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A

PERFECT GUIDE

FOR

Protestant Dissenters,

IN CASE OF

PROSECUTION

UPON ANY OF THE

PENAL STATUTES

Made against Them.

TOGETHER WITH

Vestigia Veritatis, &c,

The Statutes of 35 *Eliz.* and 22 *Car.* 2. at large.

To which is added,

A POST-SCRIPT

ABOUT

Ecclesiastical Courts,

And PROSECUTION in Them.

LONDON,

Printed for *R. Baldwin.* 1682.

The Preface.

'TIs the Common Practice now adays, for baſe and mercenary Pens to paſs the worſt Cenſures upon the beſt Intentions of Men. The Arguments that follow are all grounded either upon Scripture and Reaſon, or upon Equal Juſtice and Prudent Morality; and thoſe not enforced with Heat and Paſſion, but with all the Mildneſs and Submiſſion imaginable; which argues the Fairneſs and Honeſty of the Deſign, viz. *to procure, if it may be done, a happy* Union *between* Proteſtants *and* Proteſtants; *whom it rather mainly concerns to joyn their Forces againſt the Common Enemy of their Profeſſion, than to make themſelves the Scorn and Triumph of* Popiſh *Cunning, by a* needleſs Separation; *which, if duly conſider'd, would ſoon be found unhappily fomented and encreas'd by the encourag'd Emiſſaries and* Scribling Bravo's of Rome. *Is it not apparent, how they already begin to undermine and blow up the Truth of the* late Horrid Plot, *ſo miraculouſly diſcover'd? To which purpoſe, is it not likewiſe apparent what daily Affronts they put upon the* King's Evidence, *to the end that by rendring their Perſons, and whatever they have ſaid or ſworn, ridiculous, they may be the better able to raiſe a Miſt before the Eyes of the People, and then totally withdraw the* Plot *from their Belief? Is it not apparent how vigorouſly they aſſail the whole Body of the* Diſſenters, *Men of* Religious, Serious, Upright, *and moſt* Loyal *Principles, under the ſcandalous Names of* Fanaticks *and* Whiggs; *and by throwing the Failings and Miſdemeanours of ſome* few *upon* all *(this Earth not affording that Happineſs to the moſt Holy Society in the World, of being without ſome Hypocrites and bad Men) to caſt an Odium upon above a third part of the moſt Induſtrious and Wealthy Part of the Nation, on purpoſe to enervate and impoveriſh*

poveriſh the Proteſtant Intereſt, *and make the ſofter and more eaſie way for* Popiſh Intruſion? *Enormities much more deſerving the Puniſhment of* Penal Laws, *than Publick* Meetings *for the Worſhip of God.*

Upon which Conſiderations, it cannot be look'd upon certainly by Perſons of truly pious and cordial Affection for the Good of their Country, as a Deſign either diſhoneſt *or* factious, *to vindicate, ſo far as may ſtand with Equity and good Conſcience, the* Proteſtant Diſſenters *from the heavy Imputations of* Schiſm, Sedition, *and* Diſloyalty, *every day caſt upon them, though moſt undeſervedly, by the* Pope's Weekly Drudges *here in this City. To which end, the Deſign of theſe few Sheets is to more than to plead their Cauſe, with all modeſty and ſubmiſſion, before the Tribunals of Juſtice and Divine Charity; to rectifie the Judgments of Perſons miſguided by* Mercenary Scriblers, *by ſetting forth the Nature and Ends of* theſe Meetings, *and the dangerous Conſequences of ſetting up a* Proteſtant Perſecution, *to the encouragement of thoſe* Peſts *of the* Kingdom, *ignorant and greedy* Informers.

And becauſe a Sight of the Statutes *themſelves may be neceſſary to thoſe that have them not, they are hereunto annex'd; there being nothing more Moral than the Reaſon of Self-Preſervation in a* Legal *and* Orderly *Way; which they that ſeek by no other Means than by thoſe of* Duty *and* Allegiance, *no other being here propounded, cannot be thought to deviate from the Laws of God or Nature.*

A Guide

A Guide *for* Proteſtant Diſſenters, *&c.*

THere is nothing that ſeems a greater blemiſh to Chriſtianity, than that little Differences about the Exerciſe of *Divine Worſhip*, ſhould cauſe ſuch Heats and Animoſities among Men: And for them whoſe Buſineſs it ſhould be to Preach Unity, Love, and Charity, under the Notion of Church-Government, to inſtigate and animate the Civil Magiſtrate to make rigid *Penal Laws*, to enforce the Conſciences of good People, ſeems in ſome meaſure contradictory to the eaſie Yoke of Chriſtian Obedience. It ſeems ſomewhat hard, when a poor Man has by his Induſtry and Frugality got together a ſmall Subſiſtence for himſelf and his Family, that becauſe he is diſſatisfied with ſome few Indifferent Circumſtances, that are impos'd upon their Conſciences, he ſhould be preſently laid at the mercy of Rapacious *Informers* and Officers; that his Goods ſhould be at the diſpoſal of Perſons many times fuller of Heat and Paſſion, than of true Charity; that he ſhould be *excommunicated*, and conſequently under the laſh of a *Civil Writ*, becauſe he will not come to the *Parochial Church*: as if the Place were ſo material where God were worſhipp'd, ſo in any Place he be ador'd in Spirit and Truth. Nor is this ſpoken in the leaſt in reference to the Civil Government, but onely in point of Divinity. It is apparent by the very Prefaces of the *Acts* themſelves hereby intended, that the Civil Magiſtrate aims at nothing but what is Right and Juſt; to prevent *Sedition*, for the Good and Quiet of the Kingdom. But 'tis to be fear'd, that want of Charity in others, and too much addictedneſs to Opinionated Severity, ſways others to extend the lawful Pretence of the Civil Power beyond the Bounds and Limits of the *Legiſlators* Intention; in regard that for the Miniſtry to aggravate Civil Crimes upon their Brethren, and incence the Sword of Juſtice, appears no where in Scripture agreeable to Chriſtian Doctrine.

There are two Statutes, that of the 35*th* of *Elizabeth*, and the 22*d.* of His *preſent Majeſty*, that create the loud Complaints that run through the whole Nation: And yet the *Proems* of neither of thoſe *Acts* ſeem to allow that Rigour which is at this time meditated by ſome Perſons, and defended perhaps with too much heat in the *Pulpit*.

The *Preamble* of 35 *Eliz.* runs thus: *For the preventing of ſuch great Inconveniencies and Perils as might happen and grow by the wicked and dangerous Practiſes of* SEDITIOUS SECTARIES *and* DISLOYAL PERSONS.

The *Preamble* of the 22*d.* of His *preſent Majeſty* runs thus: *For providing farther and more ſpeedy Remedies againſt the growing and dangerous Practiſes of* SEDITIOUS SECTARIES, *and other* DISLOYAL PERSONS, *who, under pretence of tender Conſciences, have or may at their Meetings contrive Inſurrections, as late Experience hath ſhewn.*

Here are two *Statutes*, by which moſt Lawful and moſt Neceſſary Proviſion is made for the Preſervation of the *Peace* and Quiet of the *Government*. Now, if it ſhould be asked, What the Civil Magiſtrate requires from hence? It is to be anſwered, in general, Obedience, Paſſive and Active; Tranquillity, Publick and Private: and particularly, That no *Diſloyal Perſons*, nor *Sectaries*, ſhall meet, under pretence of Tender Conſciences, to contrive *Inſurrections*. Hence it is ſubmiſſively preſum'd, That if the *Subject* live dutifully towards his *Prince*, free from

giving occaſion of Civil Diſturbance; amicably toward his Neighbour; pay thoſe Duties and Taxes which the Law or Cuſtom impoſes; and actively, if he be always ready with his Sword in his hand to defend his *Prince* and *Country*; the *Prince* does not regard the inward Conſciences of ſuch *Subjects*, nor their inconſiderable Differences in Matters of *Ceremony*; ſo that the *Religion* which they profeſs be not contrary or oppoſite to the *Eſtabliſh'd Law* and *Government* of the *Kingdom*. And it is plain, that the *Law* extends it ſelf no further than *Sectaries* and *Diſloyal Perſons*, as being look'd upon by the *Law* to be the moſt likely Perſons to contrive *Inſurrections*, and diſturb the *Peace* of the *Nation*.

Leaving then the Civil Power to its ſelf, the Queſtion is between the *Diſſenters* and their *Oppoſers*, What a *Sectary* is? For it is ſuppos'd, That if the *Eccleſiaſtical Wrath* were appeas'd, the Diſpleaſure of the *Civil Power* might the more eaſily be atton'd.

Now then *Sectaries* muſt either be *Heretics* or *Schiſmatics*. *Heretics* the *Diſſenters* cannot be; for they do not err in *Fundamentals*; for ſuch a one is a *Heretic*. The next Queſtion then will be, Whether they be *Schiſmatics*? What is a *Schiſmatic*? A *Schiſmatick* is one that holding firm the ſame Foundation of *Faith*, departs from ſome *Ceremony* of the *Church*, obſtinately, and out of ambitious Ends. Thus it appears, that *Obſtinacy* and *Ambitious Ends* are the Diſtinctions that make a *Schiſmatic*. From whence it is apparent, that there may be ſome Grounds and Reaſons why a Man may diſſent from ſome *Ceremony* of the *Church*, and yet be no *Schiſmatic*. For example: *Obſtinacy* is the oppoſite to *Conſtancy*; *Ambitious Ends*, or *Self-Intereſt*, as being a Contempt of *Conſcience*, the Oppoſite to *Integrity*. So then if a Man diſſents from any *Ceremony* of the *Church* out of Integrity, which is a Vertue by which we yield up our Obedience to God, though imperfect, yet without *Hypocriſie*; or out of Conſtancy, by which a Man reſolves to perſiſt in the Knowledge of God and his Worſhip to the end, he can be no *Schiſmatic*. For the *Diſſenters* and their *Oppoſers* agree in the ſame *Knowledge of God*, in the ſame *Sacraments*, and the ſame *Worſhip*; onely the *Diſſenters* diſallow ſome outward adiaphorous *Ceremonies* of their *Church*. Again, To make them *Schiſmatics*, that is, *Obſtinate* or *Ambitious Diſſenters*, there muſt be *Conviction and Contumacy*: But in regard that neither the one nor the other appears againſt them, it follows, That they *diſſent* out of *Integrity* and *Conſtancy*, and conſequently are no way liable to the Severity of the *Statute*, eſpecially if the *Preamble*, as it is taken in *Law*, be the *Key of the Statute*. Seeing then that the *Diſſenters*, where there is no proof of Petulancy or Ambitious Ends, cannot be ſaid to be *Schiſmatics*, and conſequently not obnoxious to the *Law*, it remains, that they muſt be *Brethren*, profeſſing the ſame Fundamentals of *Doctrine* and *Worſhip*. And then it ſeems very hard, That the Severity of Perſons who call themſelves *Divines*, and *Teachers* of the Doctrine of Charity, ſhould ſtretch and ſtrain a *Law* to encourage *Accuſers of the Brethren*, and to lay violent hands upon thoſe, to whom it never meant any *diſturbance*. And 'tis look'd upon as a ſtrange and unhappy diſagreement between the *Common Lawyer* and the *Divine*, that the one ſhould take it for a Charitable Maxim, That *Summum Jus eſt ſumma Injuria*; while Men that pretend to be actuated by *Divinity*, and the Example of *Chriſt*, preſſing *Summum Jus* yet with ſo much inveteracy, advance *Summam Injuriam*, to the prejudice of *Brethren*, for *inconſiderable Differences*. *Bleſſed are the Peace-makers*, ſaith our moſt charitable *Saviour*. Which Sacred Truth of his, from his own

Lips,

Lips, creates a juſt *Appeal* to all Rational Men, how far diſſonant from this Doctrine of their Head and grand Inſtructer thoſe Perſons are, who avoiding the healing Doctrine of Unity, make their *Pulpits* ring with nothing but corroſive Invectives and *Satyrs* againſt Friend and Foe, Brethren and *Schiſmatics*, under the general Notion of *Fanaticiſm*; forgetting the conſtant Rule, *That he onely teaches well, that well diſtinguiſhes.* Certainly it can never be thought that it ſhould proceed from the Dictates of Reaſon and Conſcience, that they who ought to come with Healing in their Doctrine, ſhould make it their Buſineſs to exaſperate and incence the Civil Power, meerly to eſtabliſh an unlawful *Hierarchie* over the *Conſciences* of their *Brethren*. They that firſt ſhook off the *Roman Yoke*, thought it expedient not to make a total and abſolute Change; but guided by Reaſons of *State*, left ſeveral of the *Ceremonies*, *Popiſh Ceremonies*, untouch'd, which remain among us to this day; as, the *Surplice*, and with ſome the *Rail'd Altar*, *Second Service there perform'd*, *Tapers*, with this difference, that the *Papiſts* are lighted, and ours not; and laſtly, a particular Reverence to the *Eaſt*, as if God were more individually preſent in the *Chancel*, than in the *Belfry*. But now that the *State* has no occaſion for thoſe Fears, now that the People univerſally deſire to be freed from theſe *Relicks* of *Superſtition*, for ſome Perſons to inſiſt upon it, and with ſo much obſtinacy impoſe as a Duty, what was onely retain'd for *State-convenience*, as to raiſe a *Perſecution* of *Tender Conſciences* for the ſake of *pure Ceremony*, it is believed, that were thoſe *famous Reformers* now alive, they would not have been angry with thoſe that ſo readily ſought the Accompliſhment of what they left imperfect. The Law was made to puniſh *Mutiny*, *Rebellion*, and *Inſurrection*, againſt the *State* and *Civil Government*; not to harraſe the *Liberties* and *Properties* of Men for *not conforming* to the *Impoſitions* of *Eccleſiaſtical Ambition*. What tho the *Civil Magiſtrate* have been ſo careful to make Proviſion for the Repoſe and Quiet of the Kingdom? it may be thought a hard Chapter, that the peeviſhneſs and choler of ſome Men ſhould turn the Stream of that Rigour, where no Proof is made, upon *pretence* of Breach and Diſobedience. How ill will it ſound in the Ears of *Poſterity*, when they ſhall hear of *Proteſtants* being ſo ſeverely dealt with for *Trifles of Difference*? How much does it at preſent advance the *mirth of Popery*, to ſee the *Proteſtants doing their Buſineſs*, and by ſome ing Diſunion among themſelves, opening a way for Self-deſtruction, and the Inroads of *Superſtition*, which otherwiſe the *Papiſts* were never able to hope for. Certainly the Profeſſion of Divinity teaches Men to be of another Temper, and to have a Chancery of Charity always open in their Hearts, to mitigate and compoſe, not to exaſperate and provoke the Civil Magiſtrate, eſpecially in Concerns not of the Government, but of their own Intereſt. Some People will not have their *Children ſign'd with the Croſs*; others *meet about five together in a place*; and therefore let them be *fin'd*, let their *Goods be ſeiz'd* and *embezel'd*, and their *Perſons impriſon'd*: *For the Law is of our ſide*, *and we will not remit a Tittle of its utmoſt Rigour*. A ſevere way of Proceeding, that can never be thought agreeable to the Examples or Doctrine either of Chriſt or his Apoſtles. If ſuch Perſons did but conſider how much more fragrant the Memory of a *Cranmer* ſmells in *Hiſtory*, than that of a *Bonner*, they would ſurely ſteer another Courſe. Nor can they be thought well to weigh with themſelves that of *Vis unita eſt fortior*, and the Doctrine of the *divided Houſe*, while by a *fatal diſagreement* with their *Brethren* about *outward Forms and unneceſſary Circumſtances*, they render themſelves leſs able to withſtand the Impetuoſity of daily-*menacing Popery*. That is nothing, *the Decree is gone forth*, *and muſt be obey'd*; and though the *Preamble of the*

Law

Law may be avoided, the *Body of it*, more *explanatory* of it ſelf, admits *no Evaſion*. For the *Law* poſitively ſays, *That if any Perſon or Perſons, above the Age of Sixteen years*, &c. *ſhall be preſent at any Aſſembly, Conventicle, or Meeting, under colour or pretence of any Exerciſe of Religion, in other manner than according to the Liturgie and Practiſe of the Church of* England, &c. *Where there ſhall be Five or more Perſons aſſembled, over and above thoſe of the Houſhold*, &c.

As to the firſt part of the Words, *Whoever ſhall be preſent at any Aſſembly or Meeting, under pretence or colour of any Exerciſe of Religion*, &c. ſome Queſtions do ariſe upon the fair accompt of *Reaſon and Policy*.

1. Whether the meaning of the Words extend themſelves to ſuch an *Exerciſe of Religion* which is *truly Chriſtian*, and according to the direct Interpretation of *Scripture*?

2. Or whether *onely* ſuch a Religion as carries *onely a pretence and colour*, without any *truth and ſincerity*?

As to the firſt, it is moſt certain, That the moſt pure and Chriſtian Exerciſe of *Devotion* carries with it a *pretence and colour*, as well as the falſe one, though it be onely that of ſerving and performing our Duty to God.

Now then it can never be imagin'd, that the *Intention of this Law* was ever to *prevent the Exerciſe of Devotion and true Piety*, let the Place or the Number be more or leſs, in a rational Proportion. For, if ſo, the *Statute* would be void in it ſelf; in regard that all unbyaſs'd *Caſuiſts*, *Lawyers*, and *Divines* agree, That all *Humane Laws* made againſt the Law of God, are *ipſo facto* annull'd as to any *Obligation* upon the *Conſcience*.

Seeing therefore it cannot be thought, that this *Law* intendeth the *Deſtruction* of it ſelf, there muſt be a looking backward to the *Reaſon* and *Policy* of the *Law*, which from the *Preamble* is apparent to be onely the prevention of *Diſloyalty* and *Inſurrection*, for the Repoſe and *Tranquillity* of the *Kingdom*.

Now then let a *Meeting* be ſuppos'd, *though of more than Five or Ten*; yet if at this *Meeting* there be nothing done that tends to *Diſloyalty, Inſurrection*, or *diſturbance of the Publick Peace*, the *Law* hath its End, and can take no farther notice, there being no *Breach of the Law*, and conſequently no *occaſion* of *Puniſhment*.

And this is collected from *Reaſon* it ſelf; for, ſhould any other Conſtruction be put upon the Words, it would be contrary to the *Law of God*, as intended to prevent the *true and real Worſhip of God*, under pretence of *Innovation* and *Diſloyalty*. A Thought, an Intention, which it were a Crime to imagine *ſuch Worthy and Pious Legiſlators ever dream'd of*, however the *meaning of the Law may be ſtrain'd in the abſence of its Makers*.

Now that ſuch a Meaning of the *Act*, as it is inforc'd, is contrary to the Word of God, is apparent from the *Scripture* it ſelf: *Acts* 28. *And Paul dwelt two years in his hired houſe, and received all that came to him, preaching the Kingdom of God, no man forbidding him.* 1 *Tim.* 2. *I will therefore that men pray every where*; with ſeveral others. Nor will it ſerve as an *Objection*, to ſay, *That the Times are otherwiſe, now that there are ſuch plenty of Publick Churches*: For, if they be poſſeſs'd by ſuch as will not admit their fellow-Chriſtians to come together, without prejudice to their Conſciences, 'tis the ſame thing to them, as if thoſe Places were not at all.

Which being a clear confirmation, that God may be Worſhipped in Spirit and Truth in any Place, or at any Time; 'tis as clear, that the Meaning of this *Law* cannot reach the *Exerciſe of Real Piety*. For, if the Worſhip in it ſelf be Evil, it is not to be endur'd *in Four*; if conſonant to the Word of God, the Number of *Fourſcore* cannot render it *criminal*.

But

But here in regard there is ſo much inſiſting and ſtreſs put upon the word *Conventicle*, it will be much to the clearing the meaning of the Act, to enquire in to the Nature of the word, and whether it be not taken too unwarily in an ill ſenſe, by thoſe that would extend the *reaſon and meaning of this Act* beyond its limits?

A Conventicle then in the general ſenſe is a certain place appointed for the Aſſembling and coming together of People to ſome purpoſe or other; In the particular ſenſe it ſignifies the *Aſſembly it ſelf there met.* If then the purpoſe be for the ſake of Divine Worſhip, it will be fit next to enquire the Difference between a *Church-Aſſembly* and a *Conventicle-Aſſembly.* That which conſtitutes a *Church*, is an *Aſſembly or Congregation of people called to the ſtate of Grace by Prayer, by Teaching and Hearing the Word, and the due adminiſtration of the Sacraments.* The Efficient cauſe of this *Aſſembly* is the *Holy Trinity*, in general, particularly *Chriſt.* The form of this *Aſſembly* conſiſts in a *double Communion of the Aſſembly with Chriſt as the Head, and of the particular Members among themſelves. The matter of this Aſſembly are the perſons or ſeveral Members called to the Covenant of Grace. The end of this Aſſembly is the glory of God, and their own Salvation. The marks of the real Chriſtianity and legality of this Aſſembly are the true Preaching the Word, and due Adminiſtration of the Sacrament?* If then the ſame ſubſtantial Efficient cauſe, the ſame ſubſtantial matter, the ſame ſubſtantial Form, the ſame ſubſtantial end, the ſame ſubſtantial Marks of a truly Chriſtian Aſſembly be *found in a Houſe or any other convenient place*, though not adorned with *Steeples* or *Stone Arches*, call them *Presbyterians* or *Diſſenters*, or what you pleaſe they center the main fundamentals of Faith and Doctrine, differ only in ſome *ſlight* and *outward Ceremonies*, and are therefore an Eſſential Body of the *Proteſtant Religion.* And if there be any *External Circumſtances in diſpute*, they are to be argued and determined among themſelves, not by the *Arbitrary Power of a Juſtice of the Peace*, who is an *Officer only of the Peace, and not of the Conſcience.* So that it can never be thought that the determination of Chriſtian Prudence will ever grant it to be rational that *this Law* was ever made for the prevention of ſuch *Conventicles*, which muſt prove the *ſuppreſſion* of much true *Piety* and *Devotion.* This makes ſome people think that *Eccleſiaſtical Juriſdiction* is in a very weak condition and moſt deficient of it ſelf, when it is ſo earneſt and clamarous after the Aſſiſtance of the *Civil Magiſtrate.* And indeed it is eaſily demonſtrable in *Story*, that there was nothing more advanced the beginnings of the *Reformation* of *England* than the weakneſs which *Henry* 8. perceived in the *Arguments* which the *Papiſts* brought againſt the *Reformers* in all their Diſputes. And therefore a *Convocation Diſpute* had been much more proper for this *Controverſie* than the deſtructive Arguments of *Diſtreſſes and Crown Office Writs.* Which, if it were put to the Teſt, there are many that queſtion, whether the *Law-Provokers* might not come by the worſt. For as to thoſe things which are called the *Rites and Ceremonies* of true Worſhip, *true Religion* has none but what God has preſcribed in His Word; and they are looked upon, either as parts or helps to our *Devotion.* As parts of Devotion, they conſiſt in *promulgation* of the *Word*, the *Adminiſtration* of the *Sacraments* and *Prayer*, which requires alſo decent compoſure of geſture and poſture. As helps to Devotion, they are divided into *Faſting* and *Vows.* And theſe are all the *Rites or Ceremonies of true Worſhip. Ceremonies of Form*, are apt to wander into *Superſtition* if not plain *Idolatry.* And therefore it is, that ſome unbyaſſed perſon, not without Reaſon, fear, *That the Diſſenters who have abandoned all, would have much more Argument on their ſide, than they who retain ſome.*

It being thus apparent, that the *Law* was never intended to *prevent ſuch Aſſemblies*, whoſe only end of *Meeting* is to *Worſhip* and *Glorifie God*, and that too according to the *ſame Fundamentals* which the *Statute enforcers profeſs*, it now remains to examin, whether the *Evidence* offered be ſufficient to make the *Diſſenters guilty of the Crimes aſſigned by the Law*, viz. *Diſloyalty and Inſurrection.* Firſt then as for *colour* and *pretence*, they are only *Non-Appearances* lodg'd in the Heart of Man; which are only diſcloſed to the Omniſcience of God himſelf. And therefore to judge of *colour* and *pretence* appertains only to God, and not to any *Law*: from whence

aroſe that common Maxim, that *De non apperentibus*, the *Law takes no Cognizance.* Much leſs is in the power of an *Informer* to make Oath of *colour* or *pretence*, until *colour* and *pretence* break forth into ſome *overt* and *apparent act* which may afford matter for Teſtimony and proof. From whence it is plain, that unleſs there be due and ſufficient proof made of *falſe Doctrine, ſeditious words, or contrivances tending to Injurrection and Diſloyalty*, which are the breaches of the *Law*; the *Law* can never *puniſh*, where there is no breach committed. Nor does the Conſcience of any *Magiſtrate oblige* him to *fine* and *levy* upon the bare *Information* of *colour* or *pretence.* As for the addition of thoſe words, *Do or may contrive*, it ſeems ſomewhat repugnant to reaſon, that *Plots and Contrivances ſhould ever be carried on in the Publick Aſſemblies of Women and Children*; ſo that the fear ſeems only to be of the *Teachers* moving the *people to Sedition.* But as for that, one would think it ſhould be an Argnment rather for the permiſſion of *Conventicles*, it being a thing far more eaſie to diſcover a man that Preaches open *Sedition*, than one that goes from Houſe to Houſe, clandeſtinly inſinuating the ſame Doctrine. Nor is this branch Independant, but caſts its influence into the whole Crime deſcribed and intended by the *Act* thus embody'd.

If any perſon or perſons ſhall be preſent at any Conventicle, &c. *under coulour or pretence of any exerciſe of Religion, in other manner than according to the Liturgy and Practice of the Church of* England. Perhaps ſome perſons carry away with the preſent torment of unwary Paſſion, may from hence aſſent that there is no other exerciſe of Religion, that can be truly real and ſincere, but only colourable and pretended, which is not performed in the very words of the *Liturgy*, according to the Common acceptation of the Word in *England.* To which though there were no other anſwer to be given, yet the conſequent words, and the practiſe of the Church clearly contradict ſuch an uncharitable Paraphraſe, for that in all Parochial Churches it is the general cuſtom to Pray both before and after Sermon. But if the nature of the word *Liturgy* be duly conſidered, that Λειτουργία or *Liturgy* is no more than the *Office* of *Prayer*: the Compilers themſelves call the Engliſh *Liturgy*, an order for Morning and Evening Prayer, or a ſet *Form of Prayer*, whereby it becomes only a Species of the Grand *Genus* Prayer or Oration, by which with a true and humble contrition of Heart, we addreſs our ſelves to God, concerning ſuch things as are conſentaneous to his Holy Will; and this divided into two parts *Invocation*, and *Thanksgiving.* Now ſuppoſe that the *Liturgy* of *England*, now the moſt exact *Liturgy* in the World, as moſt certainly it is not, it cannot be thought that the *Diſſenters* are obliged by this *Statute* to uſe no other *Prayers* than what are ſet down in the *Liturgy*, *For then the Law enforcers may be preſum'd to lie under the Penalties of the Statute themſelves.* Who after the full performance of all the duties of *Prayer*, which is ordered in the *Liturgy* both for Morning and Evening Service, if it may not be ſaid, out of a contempt of the *Liturgy*, yet ſomewhat to the diſcredit of the *Liturgy*, are never ſatisfied till they have given it the ſupplement of their tedious and vainly Oſtentatious additions of *ſuper-excellent* and *ſuper-fine*: which after a full performance of all the duties of Innovation and Thankſgiving, ſeems in them a kind of Tautology forbidden in Scripture. However becauſe the *Diſſenters* uſing the ſame form of Prayer, though not in the ſame words, avoid that inconvenience, therefore they muſt be reduced into obedience to ſomething not well conſidered what it is, by *Conſtables* and *Informers.* But there is a more exquiſite Liturgy yet, the Λειτουργία or Liturgy preſcribed by our Saviour himſelf; which though out of Veneration it be reduced into one Prayer for general uſe; yet is no other than a ſet form of Prayer, teaching heedleſs Mortals, who might elſe be extravagant in their Petitions, the true matter of Prayer; that is, what we are to implore from God, and what we are to give thanks for, as enjoy'd. Examin then the Prayers of the *Diſſenters*, and if they differ either in the Cauſe, the Matter, the Form, or end from the *Engliſh Liturgy of Men*, mentioned in the *Act*, or the *Heavenly Liturgy of Chriſt*, let them be delivered over to all deſerved puniſhment; but if their Prayers be agreeable to the preſcrib'd forms of both; nay, if they be agreeable to the Cœleſtial Liturgy, though not according to the

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Verbatim of the *Eſtabliſh'd Liturgy of* England; 'tis a hard caſe that they ſhould by any *Statute* be adjudged not to exerciſe ſuch a Religion. If it be *objected*, that the Notions of many are Abortive, and through weakneſs may deſerve Reprehenſion, there is an eaſie way to remedy thoſe Errors by impoſing a more equal Injunction by the Authority of Church Diſcipline, that no perſon ſhould preſume to aſcend the Pulpit with *ex tempore* Raptures.

For confirmation then that there is no need of uſing of Form and Order, for the matter be the ſame, there are many of the Diſciples Prayers recorded in Scripture, and there is no queſtion to be made but that they were acceptable to God; and yet we do not read they uſed the abſolute *Form* preſcribed by our Saviour, but expreſſed themſelves in other words, though altogether agreeing for matter.

Upon the whole, ſuppoſe this Queſtion ſhould be put, Whether the Apoſtles did uſe any other *Form* than that which was taught them by Chriſt? There is, no doubt, but the Anſwer will be, They did not.

Put then this Queſtion to the *Informer*; Did the *Diſſenters* uſe any other Prayers than what were agreeable to the *Church of England?* In the firſt place, 'tis ten thouſand to one, whether he be a Competent judge. If he be not, he ſtakes his Conſcience at a dreadful hazard; for it behoves him to Swear poſitively in the Affirmative, or elſe in juſtice his *Information*, and all his hopes of Gain, are loſt. And thus by a rigid Proſecution of uncharitable ſeverity, a neceſſitous and *greedy wretch* is brought to this tempting *Dilemma*, either to Perjure himſelf, or loſe his Expectation.

Again, The *Liturgy* it ſelf is not always read altogether; but on ſome days more, on ſome days leſs. The *Diſſenters* perhaps uſe leaſt of all, yet they uſe ſome, for they read the *Reading Pſalms*, *A firſt and ſecond Leſſon*, and afterwards make uſe of *Singing Pſalms*: So then it being apparent that the degree of Compariſon does not annihilate the ſubject of the Compariſon, it may be preſumed that the *Diſſenters* are preſent at their *Conventicles*, poſitively according to the *Liturgy* of the *Church of* England. Which things not being conſidered, how uncharitably do they fall under the cenſure of *Laviſh and Inveterate Pulpits?*

In the laſt place, though it would be very unreaſonable to diſallow what has been already ſaid; yet ſhould it be contradicted, the next words, *or the practiſe of the Church*, will certainly give relief. For it is the *practice of the Church of* England, to Read and Sing the *Pſalms* of *David*, to read the firſt and ſecond *Leſſon*, and ſo *do the Diſſenters*; many of them alſo militate under the ſame *Ordination*: And if there be any that do not, 'tis preſumed they might ſoon be better adviſed; the refuſal deſerving reproof if they may be admitted, being certainly to be look'd upon as an obſtinate piece of weakneſs. But which is more, as to the *Harmony of practice*, they uſe the *ſame Sacraments*, though perhaps with ſome ſmall difference in the *Form and Ceremony of Adminiſtration*, which one would think might be eaſily reconciled without all this Combuſtion.

There is one thing more to be conſidered upon the account of Moral Equity: That though the *Act of Uniformity* made in this *His Majeſties Raign*, it is here expreſly declared, *That no other Form or Ceremony ſhall be uſed, but what is preſcribed in that Act, or in the Book of Common Prayer:* Yet both by the Act and the Book it plainly appears, that the *Proſecutors of the Diſſenters make no ſcruple to diſſent from what is there Enacted, while they uſe ſeveral Ceremonies that are not there, and omit much of what is there, as their going up and bowing to the Altar, and reading ſecond Service there. Their coming out of the Pulpit, and reading part of the Communion Service in their Desks, or at the Altar again, and giving no Bleſſing at all in Pulpit: Their ſetting the Communion Table Altar-wiſe, Richly adorned at the Eaſt end of the Church, whereas it ought to be placed either in the Body of the Church, or in ſome convenient place, Covered with a clean Linnen-Cloath. Their Turning their Faces all of a Sudden to the Eaſt, and bowing to the Name of Jeſus, and not at the Name of God or Chriſt.*

Theſe Diſpenſations argue an apparent *Non-Conformity*, or *Over-Conformity*; the ſame thing in ſtrickneſs and partiality one among another: So that it ſeems a Tranſ-

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greſſion not only againſt Charity, but againſt Common Juſtice, to proſecute thoſe that do no more than only *Non-Conform* to thoſe very Ceremonies which they themſelves regard leſs of a publick *Statute*, either neglect, or over act at their own will and pleaſure.

And for a further confirmation of the Nonconformity of our moſt *Regular* (ſo pretending themſelves) *Conformiſts*, point blank even againſt the *very Law of the Land*; let them that pleaſe but conſider, how many there are that diſpence with *Non-Reſidence*, and *Pluralities*, to the detriment of many deſerving perſons that want, and poſitively againſt the *Statute of the* 21 *of* H. 8. *and yet no queſtion but they would think it hard meaſure to be proſecuted upon that Law.* So Partial is a man to forgive thoſe failings in himſelf, which he Proſecutes in others.

However, becauſe all the meekneſs of Perſwaſion and Argument will not ſtop the Career of ſome mens Impetuoſity in the *Proſecution of this Act*, it will not be from the purpoſe to caſt an Eye upon the *Executive part of the Statute.* In order to which the moſt conſiderable Inſtructions are couched in the firſt and eleventh Section. The Inſtructions of the firſt Section run thus.

That it ſhall and may be lawful to and for any one or more Juſtices of the Peace within the limits, &c. *Where ſuch Offence ſhall be committed*, or for the Chief *Magiſtrate of the Place or Corporation, and upon proof of ſuch Offence, either by the Confeſſion, or Oath of two Witneſſes, or by Notorious Evidence and Circumſtance of the Fact, to make a Record under their Hands and Seals, which Record ſhall to all intents*, &c. *be taken to be a full Conviction, that thereupon, the ſaid Juſtices*, &c. *ſhall impoſe the ſum of*, &c. From which words it is clear, that by this clauſe no power is given to any *Magiſtrate* to make out any general *Warrant* upon this *Act* till after *Conviction by two Witneſſes*, or *Confeſſion of the Offender. Neither has any Conſtable to do with any ſuch general Warrant in reference to this Act, unleſs the Warrant grounded upon ſuch a Record as is mention'd in the Act, upon confeſſion or proof and conviction of the Party by two Witneſſes be given into his hands.* Whence ariſes this Queſtion, *Whether any Conſtable or Head-borough that acts in relation to this Statute, by vertue of a Power not Authorized by the literal words of the Law, do not act at his own peril?*

2. *Whether he ſhall incur any penalty for not doing that which the Law requires not at his Hands?*

For by this part of the *Law* it is required only that the *Witneſſes* ſhould be the *Informers.* But by *general Warrants* the *Conſtables*, &c. are compelled to turn *Informers themſelves*, and to find themſelves work to accuſe their Neighbours on purpoſe to find themſelves yet more work to diſturb and diſtrain upon their Goods and Perſons: A duty which the literal ſenſe of this Paragraph does not in the leaſt impoſe upon them.

But the Eleventh Section is more particular in theſe words:

And be it farther Enacted, &c. *That if any Conſtable*, &c. *who ſhall know or be credibly informed of any ſuch Meetings held within his Precinct, and ſhall not give Information thereof*, &c. *according to his duty, and endeavour the Conviction of the Parties, but ſhall wilfully omit the performance of his duty in the Execution of the Act, and ſhall be convicted thereof, ſhall forfeit the ſum of five pounds.*

By this *Paragraph* it is very plain indeed, that if the *Conſtable* do either know of himſelf, or be credibly informed, and do not do his duty he forfeiteth 5 *l.* but ſtill if he neither know nor be credibly informed, he is not bound to be ſo ſedulous as to go upon the Hunt. But ſuppoſe the *Conſtable*, &c. ſhould either know of himſelf, and be credibly informed, and ſhould do his duty, that is, give *Information*, and ſhould receive a *Warrant* to break open the Houſe and enter: yet finding nothing of Reſiſtance, he is ſtill but where he was, in regard that not having been there from the beginning to the end, he cannot be poſitive, whether the Perſons there Aſſembled did exerciſe a Religion according to the *Liturgy* or *Practice of the Church of* England *or not*, which if they did, he has no power either to take their Names, or apprehend their Perſons, unleſs they ſhould be ſo imprudent as to make reſiſtance, and give an occaſion for their Military Power to be raiſed for their ſuppreſſion, for

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then as *Mutineers and Seditious persons, they break their own peace by disturbing the Kings*, and by making it appear they are the Persons intended by this *Act*, render themselves obnoxious not only to the *Penalties* of this but of much more *severe Laws*. From which enjoyning of the Military Officers to be aiding and assisting to the *Constables* with armed Force, Reason may not improperly collect the sense and meaning of the *Act* to be no other than what has been already presum'd. For *Armed Force and Constables*, could never be intended by the Law against Passive submission and obedience. Naked Swords and *Constables* Staves could never be intended by Christian *Legislators* to compel the compliance of sincere and upright Conscience, to things of small concernment in respect of those Fundamentals wherein the *Prosecutors* and the *Prosecuted* both agree. And therefore while the *Civil Magistrate* has taken such extraordinary care for the *publick safety* and *tranquility* of the Nation, it should not be the aim of others to carve out for them their Care, the support and maintenance of any By Interest whatever: An aim too apparent, by their publick dissatisfaction, and open exclaiming against that *noble Act* of his *Majesties most Royal Goodness, His Declaration for Liberty of Conscience* (too unhappily severe those *Counsels* that removed the *Land-mark* of his *Regal Benignity*. A presumption that they believe themselves more worthy or more able to manage that part of *Prerogative* themselves, and grutch him the exercise of his Right. Whereas the *Legislators* with more Duty provide *that nothing in their Act shall extend to invalidate or avoid his Majesties Supremacy in Ecclesiastical Affairs*. But the *Dissenting Protestants* acknowledge their *Soveraign* to be both *King and Priest*: A *King* as he is the *Supream Head of the Government*; a *Priest* as the *Supream Head of the Church*. To whom, as their *lawful Soveraign* and *Head of the Government*, as they have been alwaies ready to yield the utmost of their obedience, so shall they never withdraw from him the utmost of their Fidelity. And from whose *Priestly Office* they have yet hopes to feel the influences *of his former Grace and Mercy*, when their Cause shall be better examined. For 'tis not the Exasperation of the *Pens of Wicked men* continually *scribling Division*, nor the *Subornations of Popery* to fix *imaginary Plots, and load their Innocence with the guilt and Villanies of others*, but the Truth of their *Profession*, and their upright walking before *God* and *Man*, which they hope will at length turn the *Reproaches* and *Calumnies* of their *Enemies upon their own Heads*. 'Tis *Union* which all *True Protestants* desire, which they daily implore from God. There is nothing but *Union* wanting in this Rich and Plentiful Land. Which as it is only obstructed by *Papists*, or persons *papistically affected*, as it is apparent by their *daily Machinations* and *contrivances to unsetle and weaken the true Protestant Interest*; so there can be no greater Argument for *Protestants* to unite with *Protestants* against the *Common Enemy* of their *Religion*. From these and Grounds of the same Nature, there are some who have drawn this general Conclusion, *That it would be more conducing to the good of the Kingdom, and the Benefit of the Protestant Religion, that the Penal Laws against Non-Conformists*, in reference to differences of Religion, *might not be put in Execution, but forborn, till our most Gracious Soveraign, and his great Council the Parliament, should take the state of Divided Protestants into their wise Consideration, and reduce things to a happier Legal Establishment.*

For proof of which it may not be altogether improper to give a short Recapitulation of the Reasons brought in defence of the Position.

1. 'That it cannot be good to execute the 35 of *Eliz.* which the whole Par-'liament thought dangerous to the whole Protestant Interest in *England*, and 'did as far as in them lay disannul.

2. 'It cannot be proper to execute that Law upon them who cannot properly be guilty of the Crime at which the Law aims.

3. 'It cannot be proper to execute any Law upon Diſſenting Proteſtants, 'which was promoted by men Popiſhly inclined, and which ſince appeared to 'be Papiſts, as was the Five Mile Act.

4. 'Becauſe it ſeems ſomewhat prepoſterous to rid the Land of Diſſenting 'Proteſtants, perſons profeſſing true Religion and Loyalty, yet leave the Papiſts 'the Enemies of the King and Church to ſtay behind.

5. 'Becauſe the Penal Laws are to be inflicted upon the proper objects, as 'Seditious Sectaries, diſloyal perſons, Hypocrites, that make Religion a cloak 'and pretence to inſtall principles of Schiſm and Sedition, not upon Meetings 'where there is no tendency to any ſuch Deſigns.

6. 'A ſixth Argument is drawn from the Piety of the Non-Conformiſts Principles, and the Peaceableneſs of their Behaviour, found ſo to be from the Experience of many years.

7. 'Becauſe they are Proteſtants; and it ſeems not ſo well done to uſe Proteſtants, the Kingdoms Friends, and Strength worſe than Papiſts, the Enemies 'of the Kingdom and Proteſtant Religion.

8. 'Becauſe it is not good to execute the Law with a heavy Hand upon all 'and every Offender, without making a difference between one man and another, between one Offence and another.

9. 'Becauſe by their publick Preaching their judgments and practiſes are beſt 'diſcovered, and being in the Head of the younger Diſſenters, they are as 'Directions and Examples to them, to keep them from dangerous Excurſions.

10. 'Becauſe that when pious and good men have their publick Liberty, and 'make uſe of that Liberty only to inſtruct the People in their Duty to God and 'the King, *&c.* one chief end of the Magiſtrates care of the State is obtained, 'which is to maintain ſound Doctrine.

11. 'Becauſe thereby they will be better enabled and encouraged to perform 'other good Offices to the King and State.

2. *Then in Reference to the Church, theſe Reaſons are added:*

1. 'Becauſe agreeing in Fundamentals with their Proſecutors, they are a 'great Addition of Strength againſt the force and ſubtleties of *Rome.*

2. 'Becauſe thereby Schiſm will come to a greater cloſure, when the Church 'ſhall be ſatisfied in their profitable Doctrine and peaceable Behaviour, which 'will create a greater deſire of Peace and Union.

3. 'Becauſe by this publick Preaching, Multitudes of poor Souls that will 'go no where elſe, are in the way of Salvation and Profeſſion of the Goſpel, of 'which ſome Divines of the Church of *England* are ſo deeply ſenſible, that they 'Treat the Non-Conformiſts as Friends and fellow Labourers.

All which Reaſons are more at large diſcuſſed in the *Conformiſts* Plea for the *Non-Conformiſts*, to which the Reader is referred.

There remains now no more than only the humble Propoſal of ſome few *Queries*, and ſo to conclude. Firſt in Reference to the *Church.*

1. Whether a *Diſſenter* may be lawfully prohibited from Preaching the Word of God in truth and ſincerity, at any time, or in any place?

2. Whether by the bleſſings and rewards that are promiſed to thoſe that propagate the Doctrine of Chriſt, they are not obliged to do it?

3. Whe-

3. Whether the Example of Christ and his Disciples does not admit of *Preaching in Houses, Streets* and *Fields to more than five in a Company?*

4. Whether it be not something Erroneous for the *Law* of Man to contradict the Law——

5. Whether the Passive Obedience of Persons prohibited by a *Law* from *preaching* the Word of God, be not destructive to the propagation and maintenance of the Gospel of Christ?

2. *In reference to the Law of the Land.*

1. Whether the Opinion of the Commons of *England, That the prosecution of* Protestant Dissenters, *upon the penal Laws, is at this time grievous to the Subject, a weakning of the protestant Interest, and an encouragement to* Popery, *and dangerous to the peace of the Kingdom,* ought not to be taken into a more serious Consideration?

2. Whether the prosecution of *Dissenters* does not seem a little strange, as to the present timing of it, when the Papists lie under several Convictions of seeking the *Ruin* of the *protestant Religion* in the *Kingdom*, and when the *Kingdom* is under such fears and Jealousies of the Predominancy of their Abettors?

3. Whether it be not more proper to begin with *Popery* before they go about to extirpate *Non-Conformity?*

4. Whether they who have with so much inveteracy rak'd into the *forgotten and pardon'd Miscarriages of the* Presbyterians, had not better have spar'd their pains, as nothing at all to the purpose, except to what is unbecoming either peaceable or wise men?

5. *Fifthly,* Whether a *Law* that *creates Arbitrary Distresses and Imprisonments,* be not contrary to the *Fundamentals* of *Magna Charta.*

3. *In Reference to the Law of Scripture and Nature.*

1. Whether the *proceedings* of the *Law enforcers* be not contrary to the Doctrine of Christ, *Whatever ye would that men should do unto you, do ye even the same unto them, for this is the Law and the Prophets?*

2. Whether it be according to *Scripture*; For *Protestants* acknowledging the same *Jesus*, the same *Scripture*, and agreeing in the *Fundamentals* of *Religion*, *only for differences* in *human Ceremonies* to tear and devour one another?

3. Whether in point of *Appeal* to make Parties themselves *Judges*, be a thing usual?

4. Whether in the prosecution of *Protestants* by *Protestants*, to make use of *Informers* and *Promooters*, which the Lord *Cook* calls, *Turbiolum Hominum Genus*, instead of Christian advice and solid Arguments, be according to *Scripture?*

4. *In point of* Policy.

1. Whether it be not against the *Rules of Policy*, for *English-men* of the same *Religion*, by cruelties and severities to destroy one another, which must of necessity weaken the *Force*, and destroy the *Trade* of the *Nation?* It being one of the Lord *Cook*'s Maxims, *That a King can never be poor when his Subjects are Rich*; And therefore,

2. Whether it be not against the *Rules of Policy* to set up a *Law* for the encouragement of *vexatious Informers, who under the reverend Mantle of Love and Justice* (to use the Lord *Cook*'s own words) *instituted for the protection of the Innocent, and the good of the Common-wealth, vex and depauperize the Subject for malice and private ends, never for love of Justice?*

3. Whe-

3. Whether it be not contrary to the Rules of *prudence* to make attempts in fruitleſs undertakings, ſince it is found by *Experience*, that *perſecution* rather encr. aſes than appeaſes Enmity, and the common Maxim is, that *Sanguis Martyrum eſt ſemen Eccleſiæ?*

4. Whether *forbearance* and *mildneſs* would not abſolutely remove the *ſcandal* given to the *proteſtant Churches* abroad, and endear us to our *Forraign proteſtant Alliances?*

5. Whether it be prudence to afflict Proteſtants at home, when we entertain afflicted Proteſtants from abroad?

6. Whether by theſe unnatural Diviſions the neceſſary Leagues and Tyes of Friendſhip and acquaintance, common Truſt and Confidence among men, may not in time be broken, to the ruin of all Society?

7. Whether the wicked diſtinctions of *Tory* and *Whigg*, &c. were not ſet on foot to encreaſe the *Diſſentions* between Proteſtants, and whether the Invention and the Malicious continuance of them, do not deſerve a puniſhment equal to the worſt of Felonies?

5. *In Reference to the Executive part.*

1. Whether the Iſſuing out of general Warrants by the Juſtices of the Peace not Authorized by the *Statute*, do not render them obnoxious to other *Laws.*

2. Whether it be not almoſt morally impoſſible to Swear a Diſſenters Meeting to be contrary to the *Liturgy* or practice of the *Church of* England, where there is no *overt act* of *publick Diſturbance*, or *ſeditious Doctrine?*

3. Whether the *proſecution of this Law* do not afford ſeveral advantages to the ſpiteful and revengeful to reck their Spleen upon their Neighbours upon every ſlight diſguſt or falling out?

4. Whither it do not afford great opportunitis of *Combination* between ſome needy Juſtice of the Peace, and their *more needy Aſſociate the Informer*, to proſecute unlawful Gain; *it being the general complaint of treble diſtreſſes made without any Return?*

5. Whether the *Conſtable* not being authorized to break open any door, or force any Gate or Hedge, if the *Informer* be ſo fool-hardy as to do either, and the *Conſtable* follow him, the *Conſtable* and the *Informer* are not liable to the Law?

6. Whether there be any Penalty above 5 *l.* (directed by this Act) to be laid upon a *Conſtable* that ſhall be negligent in making *Diſtreſſes* purſuant to his *Warrants*, it being a try'd Caſe at *Bury* Aſſizes in *Suffolk*, 1678. or 1679. before the *L. C. J. Scroggs*, where no more was recorded, although the Warrants were for ſome hundreds of pounds?

7. Whether it be not poſitively againſt the *Statute for the Obſervation of the Lords Day*, by which it is expreſly Enacted, *That no Warrants ſhall be ſerved upon that Day, but in Caſes of Treaſon, Felony, or Breach of the Peace*, to ſerve a *Warrant* upon a *Religious Meeting?*

This being the *State of the Diſſenters Caſe*, there nothing remains behind, but for that moſt Sacred and Heavenly vertue *Charity*, to give up a true determination, accroding to the Precepts of Scripture, Reaſon and Morality, and the Rules of Chriſtian Government.

Although I cannot think but that moſt men are ſatisfied, that the *Act* of the 35 of *Eliz.* is expired, yet I thought it might not be amiſs to ſubjoin hereunto the ſaid *Act* at large, with all other *Statutes* made ſince that *Act* that have any Reference to it; there have been ſo many ſolid Arguments given, by men underſtanding in the Law, to prove the expiration of it, that I ſhall not adventure to ſay any thing after them.

The moſt material *Act* upon which *Diſſenters*, are likely to be proſecuted, is that of the 22 of his preſent Majeſty, which hath been the Subject of moſt of the preceding Diſcourſe, therefore I have alſo inſerted that at laage.

Veſtigia

VESTIGIA VERITATIS, &c.

An Act to retain the Queens Majesties Subjects in their due obedience.

FOr the preventing and avoiding of such great inconveniences and perils as might happen and grow by the wicked and dangerous practices of Seditious Sectaries and disloyal persons, Be it enacted by the Queens most excellent Majesty and by the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by the authority of the same, That if any person or persons above the age of 16 years which shall obstinately refuse to repair to some Church, Chappel, or usual place of Common-Prayer, to hear Divine Service established by her Majesties Laws and Statutes, in that behalf made, and shall forbear to do the same by the space of a Month next after, without lawful Cause, shall at any time after 40 days next after the end of this Session of Parliament by Printing, Writing, or Express Words or Speeches advisedly and purposely practise or go about to move, or persuade any of her Majesties Subjects or any other within her Highness Realms or Dominions, to deny, withstand, and impugn her Majesties Power and Authority in Causes Ecclesiastical united and annexed to the Imperial Crown of this Realm, or to that end or purpose shall advisedly or maliciously move or persuade any other Person whatsoever to forbear or abstain from coming to Church to hear Divine Service or to receive the Communion according to her Majesties Laws and Statutes aforesaid, or to come to or to be present at any unlawful Assemblies, Conventicles, or Meetings; under colour or pretence of any Exercise of Religion, contrary to her Majesties said Laws and Statutes, or if any person or persons which shall obstinately refuse to repair to some Church, Chappel, or usual place of Common Prayer, and shall forbear by the space of a Month to hear Divine Service as is aforesaid, shall after the said forty days either of him or themselves or by the motion, persuasion, entertainment or allurement of any other, willingly joyn in or be present at any such Assemblies, Conventicles or Meetings, under colour or pretence of any such Exercise of Religion contrary to the Laws and Statutes of this Realm as is aforesaid; That then every such person so offending as aforesaid, and being thereof lawfully convicted, shall be committed to prison, there to remain without Bayl or Mainprise, until they shall conform and yield themselves to come to some Church, Chappel or usual place of Common Prayer and hear Divine Service, according to her Majesties Laws and Statutes aforesaid, and to make such open Submission and Declaration of their said Conformity as hereafter in this Act is declared and appointed.

Rast. Stat. vol. 2. c. 1. fo. 397.

This Parliament began the 19 of *February*, in the 35*th* of the Queen, and was dissolved the 10*th* of *April* following.

Provided always and be it further enacted by the authority aforesaid, that if any such person or persons which shall offend against this Act as aforesaid, shall not within three Months next after they shall be convicted for their said offence, conform themselves to the obedience of the Laws and Statutes of this Realm in coming to the Church to hear Divine Service, and in making such Publick Confession and Submission as hereafter in this Act is appointed and expressed, being thereunto required by the Bishop of the Dioces or any Justice of the Peace of the County where the same person shall happen to be, or by the Minister or Curate of the Parish, that in every such case every such offender being thereunto warned & required by any Justice of the Peace of the same County where such Offenders shall then be, shall upon his and their corporal Oath before the Justices of the Peace in

the open Quarter Seſſions of the ſame County, or at the Aſſizes and Gaol-delivery of the ſame County before the Juſtices of the ſame Aſſiſes and Gaol-delivery,

Abjure. Abjure this Realm of *England* and all other the Queens Majeſties Dominions for ever, unleſs her Majeſty ſhall licence the party to return; And thereupon ſhall depart out of this Realm, at ſuch Haven or Port, and within ſuch time as ſhall in that behalf be aſſigned and appointed by the ſaid Juſtices before whom ſuch abjuration ſhall be made, unleſs the ſame offender be letted or ſtayed by ſuch lawful and reaſonable means or cauſes as by the Common Laws of this Realm are permitted and allowed in caſes of abjuration for Felony. And in ſuch Caſes of let or ſtay, then within ſuch reaſonable and convenient time after as the Common Law requireth in caſe of abjuration for felony as is aforeſaid. And that the Juſtices of Peace before whom any ſuch abjuration ſhall happen to be made as is aforeſaid, ſhall cauſe the ſame preſently to be entred of Record before them, and ſhall certifie the ſame to the Juſtices of Aſſiſes and Gaol delivery of the ſaid County, at the next Aſſiſes or Gaol-delivery to be holden in the ſame County. And if any ſuch offenders which by the tenour and intent of this Act is to be abjured as is aforeſaid, ſhall refuſe to make ſuch abjuration as is aforeſaid, or after ſuch abjuration made, ſhall not go to ſuch Haven and within ſuch time as is before appointed, and from thence depart out of this Realm according to this preſent Act, or after ſuch his departure ſhall return or come again into any her Majeſties Realms or Dominions without her Majeſties ſpecial licence in that behalf firſt had and obtained: That then in every ſuch Caſe the perſon ſo offending ſhall be adjudged a Felon, and ſhall ſuffer as in caſe of Felony without benefit of Clergy.

And furthermore be it enacted by the Authority of this preſent Parliament. That if any Perſon or Perſons that ſhall at any time hereafter, offend againſt this Act, ſhall before he or they be ſo warned or required to make abjuration according to the Tenour of this Act, repair to ſome Pariſh Church on ſome Sunday or other Feſtival day, and then and there hear Divine Service, and at the Service time before the Sermon, or reading of the Goſpel, make Publick and open Submiſſion and Declaration of his and their Conformity to her Majeſties Laws and Statutes as hereafter in this Act is declared and appointed; that then the ſame offender ſhall thereupon be clearly diſcharged of and from all and every the Penalties and Puniſhments inflicted or impoſed by this Act for any of the Offences aforeſaid. The ſame Submiſſion to be made as hereafter followeth, That is to ſay:

The form of the Submiſſion. *I. A. B. Do humbly confeſs and acknowledg, that I have greivouſly offended God in contemning her Majeſties Godly and lawful Government and Authority, by abſenting my ſelf from Church, and from hearing Divine Service, contrary to the Godly Laws and Statutes of this Realm, and in uſing and frequenting diſordered and unlawful Conventicles and Aſſemblies, under pretence and colour of exerciſe of Religion; And I am heartily Sorry for the ſame, and do acknowledg and teſtifie in my Conſcience that no other Perſon hath or ought to have any Power or Authority over her Majeſty. And I do Promiſe and proteſt without any diſſimulation or any colour or means of any diſpenſation, that from henceforth I will from time to time obey and perform her Majeſties Laws and Statutes, in repairing to the Church and hearing Divine Service, and do mine uttermoſt endeavour to maintain and defend the ſame.*

And that every Miniſter or Curate of every Pariſh where ſuch Submiſſion and Declaration of Conformity ſhall hereafter be ſo made by any ſuch Offender as aforeſaid, ſhall preſently enter the ſame into a Book to be kept in every Pariſh for that purpoſe, and within ten days next following, ſhall certifie the ſame in Writing to the Biſhop of the ſaid Dioceſs.

Provided nevertheleſs, that if any ſuch Offender after ſuch Submiſſion made as is aforeſaid, ſhall afterwards fall into Relapſe, or eftſoons, obſtinately refuſe to repair to ſome Church, Chappel, or uſual place of Common Prayer, to hear Divine Service, and ſhall forbear the ſame as aforeſaid, or ſhall come and be preſent at any ſuch Aſſemblies, Conventicles, and meetings, under colour or pretence of any Exerciſe of Religion, contrary to her Majeſties Laws and Statutes. That then every ſuch Offender ſhall loſe all ſuch benefit as he or ſhe might otherwiſe by vertue of this Act, have or enjoy by reaſon of their ſaid Submiſſion, and ſhall thereupon ſtand and remain in ſuch plight, condition

and

and degree to all intents, as though ſuch Submiſſion had never been made.

And for that every Perſon having Houſe and Family, is in duty bounden to have ſpecial regard of the good Government and ordering of the ſame; Be it enacted by the Authority aforeſaid, that if any Perſon or Perſons ſhall at any time hereafter, relieve, maintain, retain or keep in his or their Houſe or otherwiſe, any perſon which ſhall obſtinately refuſe to come to ſome Church, Chappel, or uſual place of Common Prayer to hear Divine Service, and ſhall forbear the ſame by the ſpace of a Month together, contrary to the Laws and Statutes of this Realm, that then every Perſon which ſhall ſo relieve, maintain, retain, or keep any ſuch Perſon offending as aforeſaid, after notice thereof to him or them given by the Ordinary of the Dioceſs, or any Juſtices of the Aſſizes of the Circuit, or any Juſtice of Peace of the County, or the Miniſter, Curate, or Church-wardens of the Pariſh where ſuch perſon ſhall then be, or by any of them, ſhall forfeit to the Queens Majeſty for every perſon ſo relieved, maintained, retained or kept after ſuch notice as aforeſaid, Ten Pounds for every Month, that he or they ſhall ſo relieve, maintain, retain or keep any ſuch perſon ſo offending.

Provided nevertheleſs, that this Act ſhall not in any wiſe extend to Puniſh or impeach any Perſon or Perſons for relieving, maintaining, or keeping his or their Wive, Father, Mother, Child or Children, Wardes, Brother or Siſter, or his Wives Father or Mother, not having any certain place of Habitation of their own, or the Husbands or Wives of any of them, or for relieving, maintaining, or keeping any ſuch perſon as ſhall be Committed by Authority to the Cuſtody of any by whom they ſhall be ſo relieved, maintained or kept, any thing in this Act contained to the contrary notwithſtanding.

And for the more ſpeedy levying and recovering for and by the Queens Majeſty of all and Singular the Pains, Duties, Forfeitures and Payments, which at any time hereafter ſhall accrue, grow or be payable by vertue of this Act, or of the Statutes made in the 23*th*. year of her Majeſties Reign concerning Recuſants: Be it Enacted by the Authority aforeſaid, that all and every the ſaid Pains, Duties, Forfeitures, and Payments, ſhall and may be recovered and levied to her Majeſties uſe, by Action of Debt, Bill, Plaint, Information, or otherwiſe in any of the Courts commonly called Kings Bench, Common Pleas, or Exchequer; in ſuch ſort and in all reſpects as by the ordinary Courſe of the Common Laws of this Realm, any other Debt due by any ſuch Perſon in any other Caſe ſhould or may be recovered or levied wherein no eſſoign, Protection or Wager of Law ſhall be admitted or allowed.

Provided always that the Third Part of the Penalties to be had or received by vertue of this Act, ſhall be imployed and beſtowed to ſuch good and charitable uſes, and in ſuch manner and form as is limitted and appointed in the Statute made in the 28*th* year of her Majeſties Reign touching Recuſants.

Provided alſo that no Popiſh Recuſant or Feme-covert ſhall be compelled or bound to abjure by vertue of this Act.

Provided alſo that every perſon that ſhall Abjure by force of this Act, or refuſe to Abjure being thereunto required as aforeſaid, ſhall forfeit and loſe to her Majeſty all his Goods and Chattels forever, and ſhall further loſe all his Lands Tenements and Hereditaments, for and during the life of ſuch offender and no longer; And that the Wife of any offender by force of this Act ſhall not loſe her Dower; Nor that any Corruption of Blood ſhall grow or be by reaſon of any offence mentioned in this Act; But that the heir of every ſuch offender by force of this Act ſhall and may after the Death of every offender have and enjoy the Lands, Tenements and Hereditaments of ſuch offender, as if this Act had not been made. And this Act to continue no longer than the end of the next Seſſion of Parliament.

Anno 39 *Eliz.* cap. 18.

An Act for the reviving, continuance, explanation, perfecting and repealing of divers Statutes.
And amongſt others it is there thus expreſſed, viz.

39 *Eliz.* c. 18. *AND wherein the Parliament holden at* Weſtminſter *the 19. day of* February *in the 35th year of the Queens Majeſties Reign that now is, there was an Act made, Intituled, An Act to retain the Queens Majeſties Subjects in their due Obedience; Be it enacted by the Authority of this preſent Parliament that this Act* (viz. 35 of Eliz.) *as well as the other there recited Statutes and Acts, ſhall be by Authority of this preſent Parliament revived, continued, and endure in force and effect until the end of the next Parliament next enſuing.*

The next Parliament was begun and holden at *Weſtminſter* the 27*th* day of
43. *Eliz.* c. 9. Sect. 18. *October* in the 43*th* of *Eliz.* and there continued until the Diſſolution thereof, being the 19*th* of *December* next following, *Anno* 1601. And there in the 9*th* Chapter, Sect. 18. this 35 *Eliz.* is again continued by the Statute Intituled, An Act for continuance of divers Statutes, and for repeal of ſome others. As the 27.
Sect. 27. Sect. of the ſaid Act does make to appear. The words are theſe, *Be it enacted by the Authority of this preſent Parliament that the ſame ſhall be continued and remain in force until the end of the firſt Seſſion of the next Parliament.*

King *James* began his Reign *Anno* 1602 *March* the 24*th*. At the Parliament begun and holden at *Weſtminſter* the 19*th* day of *March*, the firſt year of King *James*, and there continued until the 7*th* of *July*, Anno 1604 and then prorogued until the 7*th* of *February* next following, which ended that Seſſion.

1. *Jacobi.* ca. 25. Sect. 13. and 24. In the 25*th* Chapter Intituled, An Act for continuing and reviveing of divers Statutes, and for repealing of ſome others, in Sect. the 13*th* and the 24*th* this 35 *Eliz.* and among divers Acts, is again continued in theſe words, *viz. Shall be continued and remain in force until the end of the firſt Seſſion of the next Parliament.*

Seſſio. 2. 3. *Jacob.* At the Second Seſſion of Parliament begun and holden by Prorogation at *Weſtminſter*, the 5*th* day of *November*, in the Third year of King *James*, and there continued until the 27*th* of *May*, and from thence Prorogued till the 18*th* of *November* next following, there is no mention at all made of any continuance of this 35 *Eliz.*

3. Seſſion. 4. *Jacobi.* Neither was there any mention made of this ſaid 35 *Eliz.* at the next Seſſion of the ſaid Parliament, begun and holden at *Weſtminſter*, by Prorogation the 18*th* day of *November*, in the 4*th* year of King *James*, which Seſſion ended the 4*th* of *July*, Anno 1607. and then was Prorogued until the 16*th* day of *November* next following.

4. Seſſion. 7 *Jacobi.* Nor during all the Fourth Seſſion of the ſaid Parliament, begun and holden by Prorogation at *Weſtminſter*, the 19*th* day of *February*, in the 7*th* of King *James*, and there continued until the 23*th* day of *July*, (and then Prorogued until the 16*th* day of *October* next following. *Anno* 1610.) was there any the leaſt mention of a continuance of this ſaid 35 *Elizabeth.*

The

The Vacation after *Hil.* 20 *Jac.*

Hutton's Rep. fol. 61.

Memorand. That on *Monday* the 17*th* of *February* at Serjeants-Inn, upon the Aſſembly of all the Juſtices to take Conſideration upon the Statute of 35 *Eliz. c.* 1. for the Abjuration of *Sectaries*; the Attorny-General and Serjeant *Crew* being there, after the peruſal of the Statute, and the continuances thereof, it was firſt upon debate conſidered, Whether this Statute was in force or diſcontinued, and upon the peruſal of the Proviſo in the Statute of Subſidy, and upon reaſoning the matter, theſe Points were reſolved.

Reſolutions upon the Statute of 35 *Eliz. c.* 1. concerning Sectaries.

1. If a Parliament be Aſſembled, and divers Orders made, and a Writ of Error brought, and a Record delivered to the higher Houſe, and divers Bills agreed, but no Bills Signed; That this is but a Convention, and no Parliament or Seſſion; as it was *Anno* 12 *Jac.* in which (as it was affirmed by them which had ſeen the Roll) it is entred that it is not any Seſſion; or Parliament, becauſe that no Bill was ſigned, *vide* 33. *H.* 6. *Brook* Parliament. 86. Every Seſſion in which the King ſigns Bills is a Parliament.

What ſhall be ſaid a Seſſion of Parliament.

2. It was agreed, that if divers Statutes be continued until the next Parliament or next Seſſion, and there is a Parliament or a Seſſion and nothing done therein as to continuance, all the ſaid Statutes are diſcontinued and gone. And then it was moved whether this Statute was diſcontinued, and *ſeriatim*, *Jones*, *Chamberlain*, *Hutton*, *Denham*, *Haughton*, *Dodderidge*, *Winch* and *Bromley* declared their Opinions, that this Statute is diſcontinued, and that the ſtatute of Subſidy is a Parliament, and that every Parliament is a Seſſion, but not *e converſo*, for one Parliament may have divers Seſſions as the Parliament 1 *Jac.* had four, and ended 7 *Jac. vide* 33. *H.* 6. *Bro. Parl.* 86. and that this Proviſo is not to any other purpoſe but to continue their proceedings in the ſame eſtate as if this Act had not been made, and if this Proviſo had not been, then this ſtatute had been diſcontinued by this Act of ſubſidy, but when this ends and is determined, then is the Seſſion ended, then it is a ſeſſion, *ſcil.* a Parliament, which ought to be pleaded, at the Parliament holden, *&c.* and all the Commiſſions of ſubſidy are accordingly and the proviſo call it a ſeſſion; Then this being done, the Lord Chief Baron did not deliver any Opinion, for he ſaid, that he had not conſidered the ſtatute, and afterwards it was deſired that the Lords would

This Statute was *Anno* 18 *Jacobi*, and Printed, but is not in any of the Statute Books.

would deliver their Opinions, and thereupon the Lord *Hobart* declared his Opinion accordingly, That it ſeemed to him that it was a Seſſion, and that it was not ſafe to meddle with ſuch Law; and that he would never refuſe to declare his Opinion with his Brethren. After the Lord Chief Juſtice *Ley* made a long diſcourſe concerning the purpoſe and intent of Parliament, *Scilicet*, That it was not their purpoſe to deſtroy ſo good Laws, and therefore it was not any ſuch Seſſion, as was within the intent of the preceding Parliament, which was, that theſe ſhould determine when it is a Parliament or Seſſion, in which good Laws are made.

And *Doderidge* ſaid, that it was fit to ſee the Commiſſion, and that that which hath been ſaid, was not to bind any one, but every one ſpoke what then he was adviſed of, and peradventure might change upon better conſideration. And afterwards, upon *Tueſday* on an Aſſembly of the two Chief Juſtices, the Chief Baron, Juſtice *Haughton*, Baron *Denham*, *Hutton*, *Chamberlain*, and *Jones* the Attorney General brought the Commiſſion *de* 12 *Eliz. June* 1. and that had theſe words; *Pro eo quod nullus Regalis aſſenſus, nec reſponſio per nos Præſtat. fuit nullum Parliamentum nec aliqua Seſſio Parliamenti lata aut tent. fuit.* They have power to adjourn this Parliament thus begun, and the Commiſſion to Diſſolve this Parliament 28 *Feb. Anno.* 19 *Jac.* had the ſame words, ſaving that he recite that he had given his Royal aſſent to an Act of Subſidy, by which was intended, that it ſhould not be a Seſſion; and upon view of the Commiſſion, the Lord Chief Juſtice moved that the King was miſtaken in this, that he had given Power to Diſſolve this Parliament, which had not any Seſſion, and if it be a Seſſion, then he had no power to Diſſolve it, and then it is as it were a receſs, and a Parliament cannot be diſcontinued or diſſolved, but by matter of Record, and that by the King alone; and if the Parliament yet continue, then this Statute alſo continue during the Parliament by the Proviſo; but that would not ſerve: For firſt it is againſt the intent of the King, and againſt his Proclamation: And alſo the Caſe is truly put in the Commiſſion, as to the matter in Fact; and he is not miſinformed, but miſtaken in the Law, and then the Commiſſion for the Diſſolving is good, ſemblable to the Lord *Chandois* Caſe, and other Caſes, *vide* in *Cholmley's* Caſe; but becauſe that all the Judges were not at this Conference, therefore it was deferred until the next term; and in the interim the Grand Secretary and the Attorney General were to inform the King, that the Statute is obſcure, and had not been put in ure, and that we could not agree.

ſi divers Seſſions ſont in vn meſme Parlement & le Roy ne ſigne bille tanque al darren, la tout neſt que un meſme jour, & tout avera relation al primer jour del primer Seſſion & le primer jour & le darren jour neſt que un meſme Parlement & un meſme jour in ley, niſi ſpecial mention ſoit fait in l'Act quant ceo prendra force; mes cheſcun Seſſion in que le Roy ſigne les Billes eſt un jour a per lui, & un Parlement a per luy & navera auter relation, mes a meſme le Seſſion: quod nota diverſitatem (33. *H.* 8.) *Bro. Tit. Parl. Fol.* 119. *b. num.* 86. That is in *Engliſh*, if there be divers Seſſions in one and the ſame Parliament, and the King Signeth no Bill until the laſt day, there all is but one and the ſame day, and all ſhall have relation to the firſt day of the firſt Seſſion, and the firſt day and the laſt day is but one and the ſame Parliament, and one and the ſame day in Law, unleſs there be ſpecial mention made in the Act when that ſhall take its force; but every Seſſion wherein the King Signeth any Bills, is a day by it ſelf, and a Parliament by it ſelf, and ſhall have no other relation but to the ſame Seſſion; wherein note the diverſity 33. *H.* 8.

When a Parliament is called and doth ſit, and is Diſſolved without any Act of Parliament paſſed, or Judgment given, it is no Seſſion of Parliament, but a Convention, *Coke* 4. *Inſt. fo.* 28. *vide* alſo 2. *Bulſtr. fo.* 237.

In *Hobart's Rep. p.* 78. It is St. *John's* Caſe, there was an Action brought on the Statute 21. *H.* 6. for not returning one *Burgeſs, &c.* And there it is ſaid, the Parliament was as none, becauſe there was no Act nor Record of it. Saint-John verſus Saint-John.

And in *p.* 111. *Hobart* ſays, the 12 *Jacobi* (which if you be judged by the Journal, was a large, and well occupied Parliament) becauſe no Act Paſſed, nor Record is of it, was reſolved by all the Judges to be no Parliament.

And now we are come to the Parliament begun and holden at *Weſtminſter*, the 19 of *February*, in the 21 Year of King *James*, which was there continued until the 29 day of *May* following, and then Prorogued to the ſecond day of *November*, *Anno* 1624. and there, in the 28 *Chapter*, is an Act Intituled, *An Act for continuing and reviving of divers Statutes, and Repeal of divers others.* wherein are theſe words, viz. **And ſo much of one Act made in the 35 Year of the Reign of the ſaid late** Q. Elizabeth, **Intituled, An Act to retain the Queens Majeſties Subjects in their due Obedience, as hath not been ſithence Repealed by any other Statute** (and the other 57 Statutes which are there mentioned) *ſhall, by vertue of this Act be judged ever ſince the Seſſion of Parliament in the 7th. Year of His Majeſties Reign of* England *to have been of ſuch force and effect as the ſame were the laſt day of that Seſſion, and from thenceforth until the end of the firſt Seſſion of the next Parliament.* 21 Jac. c. 28. 58 Statutes in this Act revived and continued.

Well, in the next Parliament begun and holden at *Weſtminſter* the 18 day of *June*, *Anno* 1625. in the firſt Year of King *Charles* the I. and there continued until the 11*th.* day of *July* following, and then Adjourned until the firſt day of *Auguſt* following unto *Oxford*, ſeveral Acts Paſſed, and by a ſpecial Bill then Paſt, It was Enacted as followeth, (it is the 7*th* Chapter in *Keeble*) *viz. And all Statutes and Acts of Parliament which are to have continuance unto the end of this preſent Seſſion ſhall be of full force after the ſaid Adjournment, until this preſent Seſſion be fully ended and determined, and if this Seſſion ſhall determine by Diſſolution of this preſent Parliament, then all the Acts aforeſaid, ſhall be continued until the end of the firſt Seſſion of the next Parliament.* 1 Car. 1. cap. 7. This Seſſion of Parliament (by reaſon of the increaſe of the Sickneſs and other inconveniences of the Seaſon requiring a ſpeedy Adjournment nevertheleſs) ſhall not determine by His Majeſties Royal Aſſent to this & ſome other Acts.

3 Car. 1. cap. 4. Sect. 21.

At the next Parliament begun and holden at *Weſtminſter* the 17*th* day of *March*, *Anno* 1627. in the 3d Year of King *Charles* the I. there is an Act in the Fourth Chapter, Intituled, *An Act for repeal and continuance of divers Statutes*, among which in the 21 Section this 35 *Eliz.* is mentioned thus, *viz. And ſo much of one Act made in the* 35 *Year of the Reign of the late Q.* Eliz. *Intituled an Act to retain the Queens Majeſties Subjects in their due Obedience, as hath not been ſince Repealed by any other Statute*; and in the 22*d* Section it Enacts, that this 35 of *Eliz.*, *by virtue of this Act ſhall be and continue until the end of the firſt Seſſion of the next Parliament, holden in the firſt Year of the Reign of our Sovereign Lord the King that now is.*

Sect. 22.

* in his Hiſtory of the Life and Death of the 35. *Eliz.* c. 1.

From that 3d Year unto the 16 there is no mention made (* as the Obſerver has truly Remark'd) of any thing relating to the 35. *Eliz.* But in the 16 (at the Parliament begun at *Weſtminſter* the 3d day of *November*, *Anno* 1640. *c.*4.) it is Enacted as followeth, *viz.*

An. 16. Car. 1. cap. 4.

And be it Enacted by the Authority aforeſaid, that the Paſſing of this preſent Act, or of any other Act or Acts, or His Majeſties Royal Aſſent to them or any of them in this preſent Seſſion of Parliament, ſhall not be any determination of the ſaid Seſſion, and that all Statutes and Acts of Parliament which have their continuance, or were by an Act of Parliament made in the 3*d Year of the Reign of His Majeſtie that now is, Intituled,* An Act for the Continuance and Repeal of divers Statutes continued until the end of the firſt Seſſion of the then next Parliament, **ſhall, by virtue of this Act be adjudged ever ſince the Seſſion of Parliament in the ſaid Third Year to have been of ſuch force and effect as the ſame were the laſt day of that Seſſion, and from thenceforth until ſome other Act of Parliament be made, touching the continuance or diſcontinuance of the ſaid Statutes and Acts in the ſaid Act of the Third Year of His Majeſties Reign continued, as aforeſaid.***

An. 16. Car. 2. This 35. *Eliz.* c. 1. was continued, but that Act (it ſeems) is ſince expired.

And from this Statute we find nothing of the 35 *Eliz. cap.* 1. till we come to the 16 of his now Majeſty, and that Act I have recited here at large, as followeth, *Viz.*

Keeble Sta. fo. 1293. c. 4.

An Act to Suppreſs Seditious Conventicles.

35. *Eliz.* c. 1. declared to be in force.

WHEREAS an Act made in the 35*th.* Year of the Reign of our late Sovereign Lady the Queen *Elizabeth*, Entituled, An Act to retain the Queens Majeſties Subjects in their due Obedience, hath not been put in Execution by reaſon of **ſome doubt of late made whether the ſaid Act be ſtill in force**, although it be very clear and evident, and it is hereby declared, that the ſaid Act is ſtill in force, and ought to be put in due execution.

Statutes are of two ſorts. Thoſe that are introductory of a New, and thoſe that are declaratory of an old Law.

Further remedy againſt Seditious Sectaries.

2. For providing therefore of further and more ſpeedy Remedies againſt the growing and dangerous practices of ſeditious Sectaries, and other diſloyal perſons, who under pretence of Tender Conſciences do at their Meetings contrive Inſurrections, as late Experience hath ſhewed:

3. Be

3. Be it enacted by the Kings moſt Excellent Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by Authority of the ſame; That if any perſon of the Age of 16 Years or upwards, being a Subject of this Realm, at any time after the firſt day of *July*, which ſhall be in the Year of our Lord 1664, ſhall be preſent at any Aſſembly, Conventicle, or Meeting, under colour or pretence of any Exerciſe of Religion, in other manner than is allowed by the Liturgy or Practice of the Church of *England*, in any place within the Kingdom of *England*, Dominion of *Wales*, and Town of *Berwick upon Tweed*; at which Conventicle, Meeting, or Aſſembly, there ſhall be Five Perſons or more aſſembled together, over and above thoſe of the ſame Houſhold; then it ſhall and may be lawful to and for any two Juſtices of the Peace of the County, Limit, Diviſion, or Liberty, wherein the Offence aforeſaid ſhall be committed, or for the chief Magiſtrate of the place where ſuch Offence aforeſaid ſhall be committed, (if it be within a Corporation where there are not two Juſtices of the Peace) and they are hereby required and enjoyned, upon proof to them or him reſpectively made of ſuch Offence, either by Confeſſion of the Party, or Oath of Witneſs or notorious Evidence of the Fact, (which Oath the ſaid Juſtices of the Peace and chief Magiſtrate reſpectively, are hereby impowered and required to adminiſter) to make a Record of every ſuch Offence and Offences, under their Hands and Seals reſpectively; which Record ſo made as aforeſaid, ſhall to all intents and purpoſes be in Law taken and adjudged to be a full and perfect Conviction of every ſuch Offender for ſuch Offence. And thereupon the ſaid Juſtices and chief Magiſtrate reſpectively, ſhall commit every ſuch Offender ſo convicted as aforeſaid, to the Gaol or Houſe of Correction, there to remain without Bail or Mainpriſe, for any time not exceeding the ſpace of three Moneths, unleſs ſuch Offender ſhall pay down to the Juſtices or chief Magiſtrate ſuch Summ of Money, not exceeding 5 *l.* as the ſaid Juſtices or chief Magiſtrate, (who are hereby thereunto authorized and required) ſhall fine the ſaid Offender at, for his or her ſaid Offence; which Money ſhall be paid to the Churchwardens, for the relief of the Poor of the Pariſh where ſuch Offender did laſt inhabit.

Unlawful Conventicles and Meetings under pretence of Exerciſe of Religion forbidden.

The puniſhment and manner of proceeding againſt them for the firſt Offence.

4. And be it further enacted by the Authority aforeſaid, That if ſuch Offender ſo convicted as aforeſaid, ſhall at any time again commit the like Offence contrary to this Act, and be thereof in manner aforeſaid convicted, then ſuch Offender ſo convict of ſuch ſecond Offence ſhall incurr the penalty of Impriſonment in the Gaol or Houſe of Correction, for any time not exceeding ſix Moneths without Bail or Mainpriſe, unleſs ſuch Offender ſhall pay down to the ſaid Juſtices or chief Magiſtrate, ſuch Summ of Money, not exceeding 10 *l.* as the ſaid Juſtices or chief Magiſtrate (who are thereunto authorized and required as aforeſaid) ſhall fine the ſaid Offender at, for his or her ſaid ſecond Offence, the ſaid Fine to be diſpoſed in manner aforeſaid.

Second Offence.

5. And be it further enacted by the Authority aforeſaid, That if any ſuch Offender ſo convict of a ſecond offence, contrary to this Act in manner aforeſaid, ſhall at any time again commit the like offence contrary to this Act, then any two Juſtices of the Peace, and chief Magiſtrate as aforeſaid reſpectively, ſhall commit every ſuch Offender to the Gaol or Houſe of Correction, there to remain without Bail or Mainpriſe, untill the next General Quarter Seſſions, Aſſizes, Gaol-delivery, Great Seſſions, or Sitting of any Commiſſion of Oyer and Terminer in the reſpective County, Limit, Diviſion, or Liberty which ſhall firſt happen, when and where every ſuch Offender ſhall be proceeded againſt by Indictment for ſuch

Third Offence.

ſuch Offence, and ſhall forthwith be arraigned upon ſuch Indictment, and ſhall then plead the General Iſſue of Not Guilty, and give any ſpecial matter in Evidence, or confeſs the Indictment. And if ſuch Offender proceeded againſt ſhall be lawfully convict of ſuch Offence, either by Confeſſion or Verdict; or if ſuch Offender ſhall refuſe to plead the General Iſſue, or to confeſs the Indictment; then the reſpective Juſtices of the Peace at their General Quarter Seſſions, Judges of Aſſize and Gaol-delivery, at the Aſſizes and Gaol-delivery, Juſtices of the Great Seſſions at the Great Seſſions, and Commiſſioners of Oyer and Terminer at their Sitting, are hereby enabled and required to cauſe Judgment to be entered againſt ſuch Offender, that ſuch Offender ſhall be tranſported beyond the Seas to any of His Majeſty's Forein Plantations, (*Virginia* and *New Engl.* only excepted) there to remain ſeven Years; and ſhall forthwith under their Hands and Seals make out Warrants to the Sheriff or Sheriffs of the ſame County where ſuch Conviction or Refuſal to plead or to confeſs as aforeſaid ſhall be, ſafely to convey ſuch Offender to ſome Port or Haven neareſt or moſt commodious to be appointed by them reſpectively, and from thence to embarque ſuch Offender, to be ſafely tranſported to any of His Majeſty's Plantations beyond the Seas, as ſhall be alſo by them reſpectively appointed, (*Virginia* and *New England* onely excepted.) Whereupon the ſaid Sheriff ſhall ſafely convey and embarque, or cauſe to be conveyed or embarqued, ſuch Offender to be tranſported as aforeſaid, under pain of forfeiting for default of ſo tranſporting every ſuch Offender the Summ of 40 *l.* of lawful Money, the one moiety thereof to the King, and the other moiety to him or them that ſhall ſue for the ſame, in any of the Kings Courts of Record, by Bill, Plaint, Action of Debt, or Information; in any of which no Wager of Law, Eſſoin, or Protection ſhall be admitted. And the ſaid reſpective Court ſhall then alſo make out Warrants to the ſeveral Conſtables, Headboroughs, or Tythingmen of the reſpective places, where the Eſtate Real or Perſonal of ſuch Offender to be tranſported ſhall happen to be, commanding them thereby to ſequeſter into their hands the Profits of the Lands, and to diſtrain and ſell the Goods of the Offender ſo to be tranſported, for the reimburſing of the ſaid Sheriff, and ſuch reaſonable Charges as he ſhall be at, and ſhall be allowed him by the ſaid reſpective Court for ſuch conveying and embarquing of ſuch Offender ſo to be tranſported, rendring to the party, or his or her Aſſigns, the Overplus of the ſame if any be, unleſs ſuch Offender, or ſome other on the behalf of ſuch Offender ſo to be tranſported, ſhall give the Sheriff ſuch Sureties as he ſhall approve of for the paying all the ſaid Charges unto him.

How ſeditious Sectaries being convicted may be tranſported.

6. And be it further enacted by the Authority aforeſaid, That in default of defraying ſuch Charges by the parties to be tranſported, or ſome other in their behalf, or in default of Security given to the Sheriff as aforeſaid; it ſhall and may be lawful for every ſuch Sheriff to contract with any Maſter of a Ship, Merchant, or other perſon, for the tranſporting of ſuch Offender at the beſt rate he can; and that in every ſuch caſe it ſhall and may be lawful for ſuch perſons ſo contracting with any Sheriff for tranſporting ſuch Offender as aforeſaid, to detain and imploy every ſuch Offender ſo by them tranſported, as a Labourer to them or their Aſſigns, for the ſpace of Five Years to all intents and purpoſes, as if he or ſhe were bound by Indentures to ſuch perſon for that purpoſe. And that the reſpective Sheriffs ſhall be allowed or paid from the King upon their reſpective Accounts in the Exchequer all ſuch Charges by them expended for conveying, embarquing, and tranſporting of ſuch perſons, which ſhall be allowed by the ſaid reſpective Courts, from whence they received their reſpective Warrants, and which ſhall not have been by any of the ways aforementioned paid, ſecured, or reimburſed unto them as aforeſaid.

7. Pro-

VII. *Provided always, and be it further Enacted*, That in Case the Offendor so indicted and Convicted for the said third Offence, shall pay into the hands of the Register or Clerk of the Court or Sessions where he shall be Convicted (before the said Court or Sessions shall be ended) the sum of 10 *l.* That then the said Offendor shall be discharged from Transportation, and the Judgment for the same.

How the Offendor may be discharged upon payment of 10 pound

8. *And be it further Enacted*, That the like Imprisonment, Indictment, Arraignment and Proceedings, shall be against every such Offender, as often as he shall again offend, after such third Offence, nevertheless is dischargeable and discharged by the payment of the like sum, as was paid by such Offendor for his or her said Offence next before committed together with the Additional and increased sum of 100 *l.* more upon every new Offence committed, the said respective sums to be paid as aforesaid: and to be disposed of as followeth (*viz.*) the one moiety for the Repair of the Parish-Church, or Churches, Chappel, or Chappels of such Parish within which such Conventicle, Assembly, or meeting shall be held, and the other moiety to the Repair of the High-ways of the said Parish, or Parishes (if need require) or otherwise for the amendment of such High ways as the Justices of the Peace at their respective Quarter-Sessions shall direct and appoint. And if any Constable, Head-borough, or Tythingman, shall neglect to Execute any the said Warrants made unto them for sequestring distraining and selling any of the Goods and Chattels of any Offendor against this Act, for the levying such sums of money as shall be imposed for the first or second Offence, he shall forfeit for every such neglect the sum of 5 *l.* of lawful money of *England*, the one Moiety thereof to the King, and the other Moiety to him that will sue for the same in any of the Kings Courts of Record as aforesaid. And if any person be at any time sued for putting in Execution any of the powers contained in this Act, such person shall and may plead the General Issue and give the special matter in Evidence. And if the Plaintiff be Non-suit, or a Verdict pass for the Defendant thereupon, or if the Plaintiff discontinue his Action, or if upon Demurrer Judgment be given for the Defendant, every such Defendant shall have his or their treble Costs.

Punishment of Offenders after the third Offence

From the said Penalty of 5 pound shall be disposed.

Person sued for executing this Act may plead the generall Issue, and recover treble Costs.

9. *And be it further Enacted*, That if any person against whom Judgment of Transportation shall be given in manner aforesaid, shall make escape before Transportation or being Transported as aforesaid, shall return unto this Realm of *England* Dominion of *Wales*, and Town of *Barwick* upon *Tweed*, without the special Licence of his Majesty, his Heirs, and Successors, in that behalf first had and obtained. That the party so escaping, or returning, shall be adjudged a Fellon, and shall suffer Death, as in case of Fellony without benefit of Clergy, and shall forfeit and loose to his Majesty, all his or her Goods and Chattels for ever; and shall further loose to his Majesty all his, or her Goods and Chattels, Lands, Tenements and Hereditaments, for and during the Life of such Offendor, and no longer. And that the Wife of any such Offendor by force of this Act shall not loose her Dower, nor shall any corruption of Blood grow, or be, by reason of any such Offence mentioned in this Act, but that the Heir of every such Offendor by force of this Act, shall and may after the death of such Offendor have and enjoy the Lands, Tenements and Hereditaments of such Offendors as if this Act had not been made.

Felony to escape after Conviction, or to return after Transportation.

10. And for better preventing of the mischiefs which may grow by such seditious and tumultuous Meetings, under pretence of Religious Worship. *Be it further Enacted by the Authority aforesaid*, That the Lieutenants, or Debuty-Lieutenants, or any Commissioned Officers of the Militia, or any other of his Majesties Forces, with such Troops or Companies of Horse or Foot, and also the Sheriffs and Justices of Peace and other Magistrates and Ministers of Justice, or any of them jointly, or severally, within any the Counties or places within this Kingdom of *England*, Dominion of *Wales*, or Town of *Berwick* upon *Tweed*, with such other Assistance as they shall think meet, or can get in readiness with the sooneſt, on Certificate made to them respectively, under the hand and Seal of any one Justice of the Peace, or Chief Magistrate as aforesaid; of his particular information, or knowledg of such unlawful Meetings, or Conventicles, held or to be held in their respective Counties or places, and that he (with such Assistance as he can get together, is not able to suppress or dissolve the same) shall and may, and are hereby required to repair unto the place where they are so held, or to be held, and by the best means they can, to dissolve and dissipate or prevent all such unlawful Meetings; and take into their Custody, such of those persons so unlawfully Assembled, as they shall

Seditious and tumultuous Meetings and Conventicles.

judg to be the Leaders and Seducers of the reſt; and ſuch others, as they ſhall think fit to be proceeded againſt, according to Law for ſuch their Offences.

The penalty of ſuffering Conventicles in private houſes.

11. *And be it Enacted by the Authority aforeſaid*, That every perſon who ſhall wittingly and willingly ſuffer any ſuch Conventicle, unlawful Aſſembly or Meeting aforeſaid, to be held in his or her Houſe, Out-houſe, Barn or Room, Yard or Backſide, Woods or Grounds, ſhall incur the ſame Penalties and Forfeitures as any other Offendor againſt this Act ought to incur and be proceeded againſt in all points in ſuch manner as any other Offendor againſt this Act ought to be proceeded againſt.

Goalers may not let Priſoners committed upon this Act to go at large.

12. *Provided alſo, and be it Enacted by the Authority aforeſaid*, That if any Keeper of any Goal or Houſe of Correction, ſhall ſuffer any perſon committed to his Cuſtody for any Offence againſt this Act, to go at Large, contrary to the Warrant of his Commitments, according to this Act, or ſhall permit any Perſon who is at Large, to joyn with any Perſon Committed to his Cuſtody, by vertue of this Act in the exerciſe of Religion diſſering from the Rites of the Church of *England*. Then every ſuch Keeper of a Goal or Houſe of Correction, ſhall for every ſuch Offence, forfeit the ſum of 10 *l.* to be levied, raiſed, and diſpoſed by ſuch perſons and in ſuch manner as the Penalties for the firſt and ſecond Offences againſt this Act are to be Levied, Raiſed and diſpoſed.

The Penalty.

Within what time Offenders muſt be proſecuted.

13. *Provided always*, That no perſon ſhall be puniſhed for any Offence againſt this Act, unleſs ſuch Offendor be proſecuted for the ſame within three Months after the offence committed; and that no perſon who ſhall be puniſhed for any Offence by vertue of this Act ſhall be puniſhed for the ſame Offence by vertue of any other Act or Law whatſoever.

Married women how to be puniſhed.

14. *Provided alſo and be it Enacted*, That Judgment of Tranſportation ſhall not be given againſt any Feme Covert unleſs her Husband be at the ſame time under the like Judgment, and not diſcharged by the payment of money, as aforeſaid; but that inſtead thereof ſhe ſhall by the reſpective Court be committed to the Goal or Houſe of Correction, there to remain without Bail or Mainprize, for any time not exceeding 12 Months, unleſs her Husband ſhall pay down ſuch ſum not exceeding 40 *l.* to redeem her from impriſonment, as ſhall be impoſed by the ſaid Court, the ſaid ſum to be diſpoſed by ſuch perſons, and in ſuch manner, as the Penalties for the firſt and ſecond Offence againſt this Act are to be diſpoſed.

How Juſtices of the Peace may enter into houſes ſuſpected for Conventicles.

15. *Provided alſo, and be it Enacted by the Authority aforeſaid*, That the Juſtices of the Peace, and Chief Magiſtrate reſpectively, impowered as aforeſaid, to put this Act in Execution, ſhall and may with what Aid, Force and Aſſiſtance they ſhall think fit for the better Execution of this Act, after refuſal or denial, enter into any Houſe or other place, where they ſhall be informed any ſuch Conventicle as aforeſaid is or ſhall be held.

The houſes of Peers.

16. *Provided*, That no Dwelling-houſe of any Peer of this Realm, whileſt he or his Wife ſhall be there Reſident, ſhall be ſearched, by vertue of this Act, but by immediate Warrant from his Majeſty, under his Sign Mannal, or in the preſence of the Lieutenant, or one of the Deputy-Lieutenants, or two Juſtices of the Peace, whereof one to be of the *Quorum* of the ſame County or Riding, nor ſhall any other Dwelling-houſe of any Peer or other perſon whatſoever, be entered into with Force by vertue of this Act, but in the preſence of one Juſtice of the Peace or chief Magiſtrate reſpectively, except within the City of *London*, where it ſhall be lawful for any ſuch other Dwelling-houſe to be entred into as aforeſaid, in the preſence of one Juſtice of the Peace, Alderman, Deputy-Alderman, or any one Commiſſioner for the Lieutenancy for the City of *London*.

What perſons may not be committed to the houſe of Correction.

17. *Provided alſo, and be it Enacted by the Authority aforeſaid*, That no perſon ſhall by vertue of this Act, be committed to the Houſe of Correction, that ſhall ſatisfie the ſaid Juſtices of the Peace, or chief Magiſtrate reſpectively, that he or ſhe (and in caſe of a Feme Covert that her Husband) hath an Eſtate of Free-hold, or Copy-hold, to the value of 5 *l. per Annum*, or perſonal Eſtate to the value of 50 *l.* any thing in this Act to the contrary notwithſtanding.

Perſons ſerved with Proceſs refuſing to take an Oath. 14. C. 2. c. 21.

18. And in regard a certain Sect called *Quakers*, and other Sectaries are found not only to offend in the matters provided againſt by this Act, but alſo obſtruct the proceedings of Juſtice, by their obſtinate refuſal to take Oaths lawfully tendered unto them, in the ordinary Courſe of Law, *Therefore be it further Enacted, by the Authority aforeſaid*, that if any perſon or perſons, being duly and legally ſerved with Proceſs or other Summons, to appear in any Court of Record except

Court

Court-Leets, as a Witneſs, or returned to ſerve of any Jury, or ordered to be examined upon Interrogatories, or being preſent in Court, ſhall refuſe to take any Judicial Oath legally tendered to him, by the Judg or Judges of the ſame Court having no legal Plea to Juſtifie, or excuſe the refuſal of the ſame Oath, or if any Perſon or Perſons being duly ſerved with Proceſs to anſwer any Bill, exhibited againſt him or them in any Court of *Equity*, or any Suit in any Court *Eccleſiaſtical* ſhall refuſe to anſwer ſuch Bill or Suit upon his or their corporal Oath, in caſes where the *Law* requires ſuch Anſwer to be put in upon Oath, or being ſummoned to be a Witneſs in any ſuch Court, or ordered to be examined upon Interrogatories ſhall for any Cauſe or Reaſon not allowed by *Law*, refuſe to take ſuch Oath, as in ſuch Caſes is required by Law, That then and in ſuch Caſe the ſeveral and reſpective Courts wherein ſuch refuſal ſhall be made, ſhall be and are hereby enabled to Record, Enter, or Regiſter ſuch Refuſal; which Record or Entry ſhall be and is hereby made a Conviction of ſuch Offence, and all and every perſon and perſons, ſo aforeſaid offending, ſhall for every ſuch Offence, incur the judgment and puniſhment of Tranſportation, in ſuch manner as is appointed by this Act for other Offences.

19. *Provided always*, That if any perſon or perſons aforeſaid, ſhall come into ſuch Court, and take his or their Oath in theſe words.

I do ſwear, that I do not hold the taking of an Oath to be unlawful, nor refuſe to take an Oath on that Account.

How ſuch perſons may be acquitted.

20. Which Oath, the reſpective Court or Courts aforeſaid, are hereby Authorized, and required, forthwith to tender, adminiſter and Regiſter before the Entry of the Conviction aforeſaid, or ſhall take ſuch Oath before ſome Juſtice of the Peace, who is hereby Authorized and required to Adminiſter the ſame to be returned into ſuch Court, ſuch Oath ſo made ſhall acquit him or them from ſuch puniſhment, any thing herein to the contrary notwithſtanding.

21. *Provided always*, That every perſon convicted as aforeſaid, in Courts aforeſaid (other then his Majeſties Courts of *Kings-Bench*, or before the Juſtices of Aſſize, or General Goal-delivery) ſhall by Warrant containing a Certificate of ſuch Conviction, under the Hand and Seal of the reſpective Judg or Judges, before whom ſuch Conviction ſhall be had, be ſent to ſome one of his Majeſties Goals in the ſame County where ſuch Conviction was had, there to remain without Bail or Mainprize, untill the next Aſſizes or General-Goal-Delivery, where, if ſuch perſon ſo convicted, ſhall refuſe to take the Oath aforeſaid, being tendered unto him by the Juſtice or Juſtices of Aſſize or Goal-delivery, then ſuch Juſtice, or Juſtices ſhall cauſe Judgment of Tranſportation to be executed in ſuch manner as judgment of Tranſportation by this Act is to be executed; But in caſe ſuch perſon ſhall take the ſaid Oath, then he ſhall thereupon be diſcharged.

22. *Provided always, and be it Enacted by the Authority aforeſaid*, That if any Peer of this Realm, ſhall offend againſt this Act, he ſhall pay 10 *l.* for the firſt offence, and 20 *l.* for the ſecond offence, to be levied upon his Goods and Chattels by Warrant from any two Juſtices of the Peace, or chief Magiſtrate of the place, or Diviſion, where ſuch Peer ſhall dwell; and that every Peer for the third and every further Offence againſt the Tenour of this Act, ſhall be tried by his Peers and not otherwiſe.

Peers offending how to be proceeded againſt.

23. *Provided alſo and be it further Enacted by the Authority aforeſaid*, That this Act ſhall continue in force for three years after the end of this preſent Seſſion of Parliament, and from thence forward to the end of the next Seſſion of Parliament, after the ſaid three years, and no longer.

The continuance of this Act.

Since this was finiſhed, I found in the *London Gazette* Publiſhed *Thurſday April* 21. 1681. this Paragraph, *viz.*

To undeceive the Kings Loyal Subjects, who may be miſled into Error by a Pamphlet called The Hiſtory of the Life and Death of 35 Eliz. *Theſe are to inform them, that that Act amongſt others, was continued* 1 Jac. *until the end of the firſt Seſſion of the next Parliament, There were four Seſſions in that Parliament, the laſt whereof ended* 7 Jac. *but the Act was to continue to the firſt Seſſion of the next Parliament; and though every Seſſion to ſome purpoſes be as a ſeveral Parliament, yet it is no ſuch Parliament which can have a firſt Seſſion, and is never in Acts of Parliament ſtiled the next Parliament. The next Parliament ſummoned was* 12 Jac. *but becauſe nothing was done therein, it was held no Parliament. Then a Parliament was ſummoned* 18 Jac. *wherein paſſed only Subſidies Granted by the Spiritualty and Temporalty. Hence a queſtion aroſe* 20 Jac. *whether*

35 Eliz. *was not discontinued upon this ground, that* 18 Jac. *was a Session by passing the Subsidy Act, which being referr'd to all the Judges, nine of them were of Opinion,* 35 Eliz. *with the other Laws continued* 1 Jac. *were thereby discontinued. To prevent which mischief, The Parliament* 21 Jac. *not only revives* 35 Eliz. *and those other Laws in all* 58. *but Enacts that they shall be adjudged ever since the Session of Parliament* 7 Jac. *to have been of such Force and Effect as the same were the last day of that Session. And 'tis undoubted they all were then in force, by Virtue of* 1 Jac. *and the latter continuance run clear without the aid of the Declaratory Law of* 16 Car. 2. *And though this Conventicle Act of* 16 Car. 2. *be expired, yet there is another of greater Force* 22 *of the King yet in being.*

And having therein mentioned the Act of the 22 of his Present Majesty, I thought I could not justly acquit my self of what I had undertaken (*viz.* impartially and fully to set down all that might any ways have Relation to this 35 *Eliz. c.* 1.) without giving you that Statute at Large, whereby the Judicious Reader may see how far it proves the 35 *Eliz.* still to be in force.

Keeble *St. A.* 12. Car 2. *c.* 1. *fol.* 161.

An Act to Prevent and Suppress Seditious Conventicles.

The Preamble 16 Car. 2. *c.* 4.

FOR providing further and more speedy remedies against the growing and dangerous practises of Seditious Sectaries and other disloyal persons, who under pretence of Tender Consciences, have or may at their Meetings contrive Insurrections (as late experience hath shown) Be it Enacted by the Kings most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament Assembled, and by Authority of the same,

Conventicles, &c. forbidden after the Tenth of May 1670.

That if any Person of the age of 16 years or upwards, being a Subject of this Realm, at any time after the Tenth day of *May* next, shall be present at any Assembly, Conventicle or Meeting, under colour or pretence of any exercise of Religion in other manner then according to the Liturgy and practise of the Church of *England*, in any place within the Kingdom of *England*, Dominion of *Wales*, or Town of *Berwick* upon *Tweed*, at which Conventicle, Meeting or Assembly, there shall be five Persons or more assembled together, over and besides those of the same household; if it be in a house where there is a family inhabiting, or if it be in a house, field, or place where there is no family inhabiting: Then where any five persons or more are so assembled as aforesaid, it shall and may be lawfull to and for any one or more Justices of the Peace of the County, Limit, Division, Corporation or Liberty, wherein the offence aforesaid shall be committed, or for the chief Magistrate of the Place where the offence aforesaid shall be committed.

How the Offenders must be Convicted.

And he and they are hereby required and enjoyned, upon proof to him or them respectively made of such offence, either by confession of the party, or Oath of two Witnesses (which Oath, the said Justice and Justices of the Peace and chief Magistrate respectively are hereby impowred and required to Administer) or by notorious Evidence and circumstance of the Fact, to make a Record of every such offence under his or their Hands and Seals respectively; which Record so made as aforesaid, shall to all intents and purposes be in Law taken and adjudged to be a full and perfect Conviction of every such Offender for such offence; and thereupon the said Justice, Justices, and chief Magistrate respectively, shall impose on every such Offender so Convict as aforesaid, a Fine of 5 *s.* for such first Offence, which Record and Conviction shall be Certified by the said Justice, Justices, or chief Magistrate, at the next Quarter Sessions of the Peace for the County or Place where the Offence was Committed.

The Penalty for the first Offence. The Record and Conviction to be returned to the next Quarter Sessions

2. *And be it further Enacted by the Authority aforesaid*, That if such Offender so Convicted as aforesaid, shall at any time again commit the like Offence or Offences contrary to this Act, and be thereof in manner aforesaid Convicted: Then such offender so convict of such like offence or offences, shall for every such offence incur the penalty of 10 *s.* which Fine and Fines for the first, and every other offence shall be levied by distress and Sale of the Offenders Goods and Chattels; or in case of the poverty of such Offender, upon the Goods and Chattels of any other person or persons who shall then be Convicted in manner aforesaid of the like Offence at the same Conventicle, at the discretion of the said Justice, Justices or chief Magistrate respectively, so as the sum to be levied, or any one person in case of the poverty.

The Penalty for the second offence

The Penalty how to be levied.

perty of other Offenders amount not in the whole to above the Sum of 10 *l.* upon occasion of any one meeting as aforesaid, and every Constable, Headborough, Tythingman, Church-wardens, and Overseers of the Poor, respectively, are hereby authorised and required to levy the same accordingly, having first received a Warrant under the Hands and Seals of the said Justice, Justices, or chief Magistrate, respectively so to do; the said Moneys so to be levied, to be forthwith delivered to the same Justice, Justices, or chief Magistrate, and by him or them to be distributed. The one third part thereof to the use of the Kings Majesty, his Heirs and Succcssors, to be paid to the High-Sheriff of the County for the time being, in manner following, That is to say, the Justice or Justices of the Peace, shall pay the same into the Court of the respective Quarter Sessions, which said Court shall deliver the same to the Sheriff, and make a memorial on Record of the payment, and delivery thereof, which said memorial shall be a sufficient and final discharge to the said Justice and Justices, and a charge to the Sheriff, which said discharge and charge shall be certified into the Exchequer together, and not one without tho other. And no Justice shall or may be questioned or accomptable for the same in the Exchequer or else where, then in Quarter Sessions. And other third part thereof to and for the use of the Poor of the Parish where such Offence shall be Committed. And the other third part thereof to the Informer and Informers, and to such person and persons as the said Justice, Justices, or Chief Magistrate respectively shall appoint, having regard to their diligence and industry in the discovery, dispersing, and punishing of the said Conventicles.

Constables, &c. to levy the same and pay it to the Justice immediately.

How the penalties are to be devided.

Certificate into the Exchequer

3. *And be it further Enacted by the Authority aforesaid*, That every person who shall take upon him to Preach or Teach in any such Meeting, Assembly, or Conventicle, and shall thereof be Convicted as aforesaid, shall forseit for every such first offence, the sum of 20 *l.* to be levied in manner aforesaid, upon his Goods and Chattels. And if the said Preacher or Teacher so Convicted be a stranger, and his Name and Habitation not known, or is fled and cannot be found, or in the judgment of the Justice. Justices, or chief Magistrate before whom he shall be Convicted, shall be thought unable to pay the same; the said Justice, Justices, or chief Magistrate respectively are hereby impowred and required to levy the same by Warrant as aforesaid, upon the Goods and Chattels of any such persons who shall be present at the same Conventicle; Any thing in this or any other Act Law or Statute to the contrary notwithstanding. And the Money so levied, to be disposed of in manner aforesaid: And if such Offendor so convicted as aforefaid, shall at any time again commit the like offence or offences, contrary to this Act, and be thereof convicted in manner aforesaid, then such Offendor convicted of such like offence or offences, shall for every such offence incurr the penalty of 40 *l.* to be levied and disposed as aforesaid.

The penalty of such as Preach or teach in a Conventicle how to be levied and disposed.

4. *And be it further Enacted by the Authority aforesaid*, That every person who shall wittingly and willingly suffer any such Conventicle, Meeting or unlawful Assembly aforesaid, to be held in his or her House, Outhouse, Barn, Yard or Backside, and be convicted thereof in manner aforesaid, shall forfeit the sum of 20 *l.* to be levied in manner aforesaid upon his or her Goods and Chattels; or in case of his or her povetry or inability as aforesaid upon the Goods and Chattels of such persons who shall be convicted in manner aforesaid of being present at the same Conventicle, and the money so levied to be disposed of in manner aforesaid.

The forfeiture of such as suffer Conventicles in their Houses.

5. *Provided always, And be it Enacted by the Authority aforesaid*, That no person shall by any Clause of this Act, be liable to pay above 10 *l.* for any one Meeting in regard of the Poverty of any other person or persons.

Proviso.

6. *Provided also, And be it further Enacted*, That in all Cases of this Act where the Penalty or sum charged upon any Offender exceed the sum of 10 *s.* and such Offender shall find himself agrieved, it shall and may be lawfull for him within one week after the said penalty or money charged shall be paid or levied, to appeal in writing from the person or persons convicted to the Judgment of the Justices of the Peace in their next Quarter Sessions, to whom the Justice or Justices of Peace, chief Magistrate or Alderman that first convicted such Offendor, shall return the money levied upon the Appellant, and shall certifie under his and their Hands and Seals, the Evidence upon which the Conviction past, with the whole Record thereof and the said Appeal; whereupon such Offendor may plead and make defence, and have his Tryal by a Jury thereupon. And in case such Appellant shall not prosecute with effect; or if upon such Tryal he shall not be acquitted, or Judgment pass

Appeals may be and to whom and in what Cases.

not for him upon his said Appeal, the said Justices at the Sessions shall give treble Costs again such Offendor for his unjust Appeal; And no other Court whatsoever shall intermedle with any Cause or Causes of Appeal upon this Act, but they shall be finally determined in the Quarter Sessions only.

Appellant to enter into a Recognizance.

7. *Provided always, And be it further Enacted,* That upon the delivery of such Appeal as aforesaid, the person or persons Appellant shall enter before the person or persons convicting into a Recognizance to present the said Appeal with effect, which said Recognizance the person or persons convicting is hereby impowred to take, and required to certifie the same to the next Quarter Sessions; and in case no such Recognizance be entred into, the said Appeal to be null and void.

8. *Provided always,* That every such Appeal shall be left with the person or persons so convicting as aforesaid, at the time of the making thereof.

Justices of Peace Constables, &c. upon refusal, may break open doors.

9. *And be it further Enacted by the Authority aforesaid,* That the Justice, Justices of the Peace, and chief Magistrate respectively, or the respective Constables, Headboroughs, and Tything men, by Warrant from the said Justice, Justices, or chief Magistrate respectively, shall and may with what aid, force and assistance they shall think fit, for the better Execution of this Act, after refusal or denyal to enter, break open and enter into any house, or other place, where they shall be informed any such Conventicle as aforesaid, is or shall be held, as well within Liberties as without, and take into their Custody the persons there unlawfully assembled, to the intent they may be proceeded against according to this Act. And that the Lieutenants or Deputy-Lieutenants or any Commissionated Officer of the Militia, or other of his Majesties Forces with such Troops or Companies of Horse and Foot, and also the Sheriffs and other Magistrates and Ministers of Justice, or any of them, jointly or severally within any the Counties or places within this Kingdom of *England*, Dominion of *Wales* or Town of *Barwick* upon *Tweed*, with such other assistance as they shall think meet or can get in readiness with the soonest on Certificate made to them respectively under the hand and Seal of any one Justice of Peace, or chief Magistrate of his particular information or knowledg of such unlawful Meeting or Conventicle held, or to be held in their respective Counties or places, and that he with such assistance as he can get together, is not able to suppress and dissolve the same, shall and may and are hereby required and enjoyned to repair unto the place where they are so held, or to be held, and by the best means they can to dissolve, dissipate or prevent all such unlawful Meetings, and take into their Custody, such and so many of the said persons so unlawfully assembled as they shall think fit, to the intent they may be proceeded against according to this Act.

Lieutenants, & Deputy Lieutenants, and Commissionated Officers of the Militia, must disperse Conventicles either with Horse or Foot.

Proviso for Peers of the Realm.

10. *Provided always,* That no dwelling House of any Peer of this Realm where he or his wife shall then be resident, shall be searched by Virtue of this Act, but by immediate warrant from his Majeffiy under his sign Manual, or in the presence of the Lieutenant, or one Deputy-Lieutenant or two Justices of the Peace, whereof one to be of the *Quorum* of the same County or Riding.

The penalty of all Justices of Peace, Constables and other Officers Civil and Military, that omit their duty in performing this Act.

11. *And be it further Enacted by the Authority aforesaid,* That if any Constable, Headborough, Tythingman, Church-warden, or Overseer of the Poor, who shall know or be credibly informed of any such Meetings or Conventicles, held within his Precincts, Parishes or Limits, and shall not give information thereof to some Justice of the Peace, or the chief Magistrate, and endeavour the Conviction of the parties, according to his Duty, but such Constable, Headborough, Tythingman, Churchwarden, Overseers of the Poor or any person lawfully called in aid of the Constable, Headborough, or Tything-man shall wilfully and wittingly omit the performance of his duty in the execution of this Act, and be thereof convicted in manner aforesaid, he shall forfeit for every such offence the sum of 5 *l.* to be levied upon his Goods and Chattels, and disposed in manner aforesaid: And that if any Justice of the Peace or chief Magistrate shall wilfully and wittingly omit the performance of his duty in the execution of this Act, he shall forfeit the sum of 100 *l.* the one moiety to the use of the Informer to be recovered by Action, Suit, Bill, or Plaint in any of his Majesties Courts at *Westminster*, wherein no Essoin, Protection, or Wager of Law shall lie.

All persons indemnified that put this Act in execution.

12. *And be it further Enacted by the Authority aforesaid,* That if any person be at any time sued for putting in execution any of the Power contained in this Act, otherwise than upon Appeal allowed by this Act, such person shall and may plead the general issue and give the special matter in Evidence: and if the Plaintiff be Nonsuit, or a Verdict pass for the Defendant, or if the Plaintiff discontinue his Action,

ction, or if upon demur Judgment be given for the Defendant, every such Defendant shall have his full treble Costs.

12. *And be it further Enacted by the Authority aforesaid*, That this Act and all clauses therein contained, shall be construed most largely and beneficially for the suppressing of Conventicles, and for the justification and encouragement of all persons to be employed in the execution thereof: and that no Record, Warrant, or Mittimus to be made by vertue of this Act or any proceedings thereupon shall be reversed, avoided, or any way impeached by reason of any default in form. And in case any person offending against this Act shall be an Inhabitant in any other County or Corporation, or flie into any other County or Corporation after the offence committed, the Justice of Peace or chief Magistrate before whom he shall be convicted, as aforesaid, shall certifie the same under his hand and seal to any Justice of Peace or chief Magistrate of such County or Corporation wherein the said person or persons are Inhabitants, or are fled into; which said Justice or chief Magistrate respectively is hereby authorized and required to levy the penalty or penalties in this Act mentioned, upon the Goods and Chattels of such person or persons, as fully as the said other Justice of Peace might have done in case he or they had been Inhabitants in the place where the offence was committed.

This Act to be interpreted most beneficially for the suppressing Conventicles.

14. Provided also, *That no person shall be punished for any offence against this Act, unless such offender be prosecuted for the same within three months after the offence committed; and that no person who shall be punished for any offence by vertue of this Act, shall be punished for the same offence by vertue of any other Act or Law whatsoever.*

Offenders to be prosecuted within three months after the offence.

15. *Provided, and be it further Enacted by the Authority aforesaid*, That every Alderman of *London*, for the time being, within the City of *London* and the Liberties thereof, shall have (and they and every of them are hereby impowered and required to execute) the same power and authority within *London* and the Liberties thereof for the examining, convicting, and punishing of all offences within this *Act*, committed within *London* and the Liberties thereof, which any Justice of Peace hath by this *Act* in any County of *England*; and shall be subject to the same penalties and punishments for not doing that which by this *Act* is directed to be done by any Justice of Peace in any County of *England*.

Aldermen within London have the same power there, as Justices of Peace elsewhere.

16. *Provided, and be it Enacted by the Authority aforesaid*, That if the person offending and convicted as aforesaid be a Feme-Covert cohabiting with her Husband, the penalty of 5 *s.* or 10 *s.* so as aforesaid incurred, shall be levied by Warrant as aforesaid, upon the Goods and Chattels of the Husband of such Feme-Covert.

Feme-Covert.

17. *Provided also*, That no Peer of this Realm shall be attached or imprisoned by vertue or force of this *Act*, any thing, matter, or clause therein to the contrary notwithstanding.

Peers of the Realm.

18. *Provided also*, That neither this *Act* nor any thing therein contained, shall extend to invalidate or avoid his Majesties Supremacy in Ecclesiastical affairs; but that his Majesty and his Heirs and Successors, may from time to time, and at all times hereafter, exercise and enjoy all Powers and Authority in Ecclesiastical affairs as fully and as amply as himself or any of his Predecessors have or might have done the same, any thing in this *Act* notwithstanding.

Proviso for the Kings Supremacy.

FINIS.

A Poſtſcript touching Proſecutions in the Eccleſiaſtical Courts.

HAving thus done with the Temporal Proſecutions, it may not be amiſs to add a word concerning the Spiritual Perſecutions now on foot, by Citations and Excommunications, not only to the great perplexity and trouble, but to the great expence of the people. In reference to which, Men are to conſider whether the preſent Eccleſiaſtical ſeverity be according to Law or no: For what ever is done to diſturb the quiet and repoſe of particular Subjects, contrary to Law, is down right Oppreſſion. That the exerciſe of the Puniſhments of Excommunication and an Anathema is allowable againſt obdurate Hereticks and Schiſmaticks, is apparent from Scripture; and the ſame Scriptute directs both by whom, how, and upon whom theſe Sentences ought to be pronounced. On the other ſide, as there is no part of Scripture that erects any Eccleſiaſtical Courts of Judicature, or Warrants the formal Proceſſes of Citations, Pleas and Anſwers, or the extravagant Fees of Proctors, Apparitors and Promooters; ſo it appears, that ſince the Reformation, they have been abrogated by the Law of the Land, as being look'd upon meerly to be the effects of Popiſh Uſurpation: For Epiſcopal Authority conſiſts not ſo much in keeping Courts, as in a true Inſpection and Care over the Flock of Chriſt; the Weapons of their Authory are only Admonition and Reprehenſion, and then Excommunication comes of courſe, a more Regular aud Apoſtolick way, than by Proceſſes and Citations As to all other Juriſdiction comprehending Force and Compulſion, it is veſted ſolely in the King, who is by all true Proteſtants accounted the Defender of the Faith, and the ſupream Head of the Church. The Law it ſelf runs thus,

'And whereas the Arch-Biſhops, and Biſhops, and other Spiritual perſons 'in this Realm, do uſe to make and ſend out their Summons, Citations and 'other Proceſſes, in their own names, and in ſuch form and manner as was 'uſed in the time of the uſurped power of the Biſhop of *Rome*, contrary to 'the form and order of the Summons and Proceſs of the Commmon Law 'uſed in this Realm (ſeeing that all Authority of Juriſdiction, Spiritual and 'Temporal, is derived and deducted from the Kings Majeſty as ſupreme 'head of theſe Churches, and Realms of *England* and *Ireland*, ſo juſtly ac-'knowledged by the Clergy of the ſaid Realm, that all Courts Eccleſiaſti-'cal within the ſaid two Realms) be kept by no other power or authori-'ty, either forreign or within the Realm, but by the authority of his moſt 'excellent Majeſty. Be it therefore further enacted by the Authority afore-'ſaid, that all Summons and Citations, or other Proceſs Eccleſiaſtical, in 'all ſuits and cauſes of Inſtance betwixt party and party, and all cauſes of 'Correction, and all cauſes of Baſtardy or Bigamy, or enquiry, *de jure pa-'tronatus*, Probates of Teſtaments, and Commiſſions of Adminiſtartions of 'peſons deceaſed, and all Acquittances of, and upon account made by the 'Executor, Adminiſtrators, or Collectors of goods of any dead perſon, be 'from the firſt day of *July* next following, made in the name, and with 'the ſtyle of the King, as it is in Writs Original or Judicial at the Com-'mon Law: And that the Teſt thereof be in the name of the Arch-Biſhop 'or Biſhop, or other, having Excceleſiaſtical Juriſdiction, who hath the 'Commiſſion and grant of the Authority Eccleſiaſtical immediately from 'the Kings Highneſs, and that his Commiſſary, Official or Subſtitute, ex-'erciſing Juriſdiction under him, ſhall put his name in the Citation or Pro-'ceſs, after the Teſt.

'Further be it enacted by the Authority aforeſaid, That all manner of 'perſon or perſons, who have the exerciſe of Eccleſiaſtical Juriſdiction, 'ſhall have from the firſt day of *July* before expreſſed, in their Seals of Of-'fice, the Kings Highneſs Arms decently ſet, with certain Characters under 'the Arms, for the knowledge of the Dioceſs, and ſhall uſe no other Seal of 'Juriſdiction, but where His Mejeſties Arms be ingraven, upon pain, that if 'any perſon ſhall uſe Eccleſiaſtical Juriſdiction (after the day before expreſ-'ſed) in this Realm of *England*, *Wales*, or other his Dominions or Territo-'ries, and not ſend or make out the Citation of Proceſs in the Kings name, 'or uſe any Seal of Juriſdiction other than before limited; that every ſuch 'Offender ſhall incur, and run in the Kings Majeſties diſpleaſure and indig-'nation, and ſuffer Impriſonment at his Higneſs will and pleaſure.

'Provided that no more, nor other Fees be taken or paid for the Seal and 'Writing of any Citations or other Proceſs than was heretofore accuſtomed.

Which being true, what power the Biſhops have to hold their Spiritual Courts, and ſend out Proceſs in their own Names, and to make Citations and Executions of Judgements under their own Seals, is an enquiry not improper for them that believed themſelves wronged.

This Act is ſaid to have been repeal'd by the 1. and 2. of *Philip*, and *Mary*, *c.* 8. though no mention be made of it among the repeal'd Acts of that time. However, though it were, it was again reviv'd by the 1. of *Eliz. c.* 1. in theſe words,

Seſſ. 1. 'Moſt humbly beſeech your moſt Excellent Majeſty, your faithful and o-'bedient Subjects, the Lords Spiritual and Temporal, and the Commons in 'this your preſent Parliament aſſembled, That where in the time of the 'Reign of your moſt dear Father of Worthy Memory, King *Henry* the 8*th.* 'divers good Laws and Statutes were made and Eſtabliſhed, as well for the 'utter extinguiſhment and putting away of all Uſurped and Forreign Pow-'ers and Authorities out of this your Realm, and other your Highneſs Do-'minions and Countries, as alſo for the reſtoring and uniting to the Imperi-'al Crown of this Realm, the Ancient Juriſdictions, Authorities, Superio-'rities and Preheminencies to the ſame of right belonging and appertaining; 'by reaſon whereof, we your moſt humble and obedient Subjects, from the 'Five and twentieth year of the Reign of your ſaid dear Father, were con-'tinually kept in good order, and were diſburdened of divers great and in-'tollerable Charges and Exactions before that time unlawfully taken and 'exacted by ſuch Forreign power and authority as before that was uſurped, 'until ſuch time as all the ſaid good Laws and Statutes, by one Act of Parlia-'ment made in the firſt and ſecond years of the Reigns of the late King *Phi-'lip*, and Queen *Mary* your Highneſs Siſter, intituled an Act Repealing all 'Statutes, Articles and Proviſions made againſt the See Apoſtolick of *Rome*, 'ſince the Twentieth year of King *Henry* the eight; and alſo for the Eſta-'bliſhment of all Spiritual and Eccleſiaſtical Poſſeſſions and Hereditaments 'conveyed to the Laity, were all clearly repealed and made void, as by the 'ſame Act of Repeal more at large doth and may appear; by reaſon of 'which Act of Repeal, your ſaid humble Subjects were eſtſoons brought un-'der an uſurped Forreign Power and Authority, and yet do remain in that 'bondage, to the intollerable charges of your loving Subjects, if ſome re-'dreſs (by Authority of this your High Court of Parliament, with the aſ-'ſent of your Highneſs) be not had and provided.

'May

'May it therefore pleaſe your Highneſs, for the repreſſing of the ſaid u- *Sect.* 2.
'ſurped Forreign Power, and the reſtoring of the Rites, Juriſdictions and
'Preheminencies appertaining to the Imperial Crown of this your Realm,
'that it may be Enacted by Authority of this preſent Parliament, That the
'ſaid Act, made in the firſt and ſecond years of the Reign of the ſaid late
'King *Philip* and Queen *Mary*, and all and every branches, Clauſes and Ar-
'ticles therein contained (other than ſuch branches, Clauſes and Sentences,
'as hereafter ſhall be excepted) may from the laſt day of this Seſſion of
'Parliament, by Authority of this preſent Parliament, be repealed, and
'ſhall from thenceforth be utterly void and of none effect.

'And to the intent that all Uſurped and Forreign Power and Authority *Sect.* 16.
'Spiritual and Temporal, may for ever be clearly extinguiſhed, and never
'be uſed or obeyed within this Realm, or any other your Majeſties Domini-
'ons or Countries, May it pleaſe your Highneſs that it may be further enact-
'ed by the Authority aforeſaid, That no Forreign Prince, Perſon, Prelate,
'State or Potentate, Spiritual or Temporal, ſhall at any time after the laſt
'day of this Seſſion of Parliament, uſe, enjoy or exerciſe any manner of
'Power, Juriſdiction, Superiority, Authority, Preheminence, or Priviledg
'Spiritual or Eccleſiaſtical, within this Realm, or within any other your Ma-
'jeſties Dominions or Countries that now be, or hereafter ſhall be, but
'from thenceforth the ſame ſhall be clearly aboliſhed out of this Realm, and
'all other your Highneſs Dominions for ever; any Statute, Ordinance,
'Cuſtom, Conſtitutions, or any other matter or cauſe whatſoever to the
'contrary in any wiſe notwithſtanding.

'And that alſo it may pleaſe your Highneſs that it may be eſtabliſhed *Sect.* 17.
'and enacted by the Authority aforeſaid, that ſuch Juriſdictions, Priviledges,
'Superiorities and Preheminencies Spiritual and Eccleſiaſtical, as by any Spi-
'ritual or Eccleſiaſtical Power or Authority hath heretofore been, or may
'lawfully be exerciſed or uſed for the Viſitation of the Eccleſiaſtical State
'and Perſons, and for Reformation, Order and Correction of the ſame and
'of all manner of Errors, Hereſies, Sciſmes, Abuſes, Offences, Contempts and
'Enormities, ſhall for ever, by Authority of this preſent Parliament, be
'united and annexed to the Imperial Crown of this Realm.

'And that your Highneſs, your Heirs and Succeſſors, Kings or Queens *Sect.* 18.
'of this Realm, ſhall have full Power and Authority by vertue of this Act,
'by Letters Patents under the Great Seal of *England*, to Aſſign, Name and
'Authorize, when, and as often as your Highneſs, your Heirs or Succeſ-
'ſors ſhall think meet and Convenient, and for ſuch and ſo long time as ſhall
'pleaſe your Highneſs, your Heirs or Succeſſors, ſuch Perſon or Perſons be-
'ing natural born Subjects to your Highneſs your Heirs and Succeſſors, as
'your Majeſty, your Heirs or Succeſſors ſhall think meet to exerciſe, uſe,
'occupy, and execute under your Highneſs, your Heirs and Succeſſors, all
'manner of Juriſdictions, Priviledges, and Preheminencies in any wiſe
'touching or concerning any Spiritual or Eccleſiaſtical Juriſdiction within
'theſe your Realms of *England* and *Ireland*, or any other your Highneſs
'Dominions and Countries, and to viſit, reform, redreſs, order, correct
'and amend all ſuch errors, hereſies, ſchiſmes, abuſes, offences, contempts
'and enormities whatſoever, which by any manner of Spiritual or Eccleſi-
'aſtical Power, Authority or Juriſdiction, can, or may lawfully be reform-
'ed, ordered, redreſſed, corrected, reſtrained, or amended to the pleaſure
'of Almighty God, the increaſe of Vertue, and the conſervation of the
'Peace and Unity of this Realm. And that ſuch perſon or perſons ſo to be
'named, aſſigned, authoriſed and appointed by your Highneſs, your Heirs

or

'or Succeſſors, after the ſaid Letters Patents to him or them made and de-'livered, as is aforeſaid, ſhall have full power and authority, by vertue of 'this Act and of the ſaid Letters Patents under your Highneſs, your Heirs 'and Succeſſors, to exerciſe, uſe and execute all the premiſes, according to 'the Tenor and effect of the ſaid Letters Patents; any matter or cauſe to 'the contrary in any wiſe notwithſtanding.

By which branches of this Statute, it ſeems to be moſt demonſtrable, that all manner of Juriſdiction in Cauſes Spiritual and Eccleſiaſtical is inveſted in the Crown, and that no Spiritual Courts may be holden, but by the Kings Commiſſion.

Laſtly, By the 16. *Car. primi*, the very branch of the Statute for granting Commiſſions is alſo repealed, which left the Eccleſiaſtical Courts no power at all.

Seeing then that all Power both Temporal and Eccleſiaſtical is veſted in the King, it ſeems to be a high point of diſobedience, for Subjects to hold Courts of Judicature to diſturb and puniſh the Kings Liege People, without any Legal Authority.

From whence may ariſe theſe few ſhort Quæries.

Qu. 1. Whither it be not proper for the perſons cited, to demand the ſight and hearing of the Commiſſion, by which the Judges claim their Juriſdiction? 1*ſt*. For their own ſafety? 2*dly*, In point of Loyalty to the King? 3*dly*, As being obliged by the Oath of Supremacy to renounce all Forreign Juriſdictions?

Qu. 2. Suppoſing the ſaid *Judges* produce no Authority from the King, yet proceed to *Excommunication*, whether the ſaid *Excommunication* be not void?

Qu. 3. Whether the ſaid *Judges* be not Indictable upon a *Pramunire*? or liable to an *Action*, as Counſel ſhall direct?

For what remains, the parties concerned may take their meaſures as they find moſt neceſſary for ſelf preſervation, from Mr. *Cary's True Guide* for all perſons concern'd in *Eccleſiaſtick Courts*.

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